

REMARKS

Upon the most Eminent of our

Antimonarchical Authors

AND THEIR

WRITINGS.

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| 1. <i>The brief History of Succession.</i> | } 5. Mr. Sidney's Papers. |
| 2. <i>Plato Redivivus.</i> | |
| 3. <i>Mr. Hunt's Postscript.</i> | |
| 4. <i>Mr. Johnson's Julian.</i> | |
| | 6. <i>Upon the Consequences of them, Conspiracies and Rebellions.</i> |

Publish'd long since ; and what may serve for Answer to Mr. Sidney's late publication of Government, &c.

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Introductory Remarks.

FEW Persons amongst the mighty numbers that have writ, shall condemn more the Vanity of Writing; tho' I hope as few have used it less in Vain: The first Design of my putting Pen to Paper, was only to correct the Licentiousness of Paper and Pen, and to supply with a timely animadversion, the Expiration of a temporary Act; 'twas Time sure, 'twas high Time for every Loyal Heart to use his Ink, when they had almost scribbled us all into Blood; and to wield his Pen in the defence of the Government, when the Knife was at our Throats, and their Swords drawn: I know the weakness of the dint of Argument against the power of Steel: And the Impertinence of persuasion where the Law can Compel; but since the Pen has the power of provoking a Rebellion, and that experienced, 'tis as warrantable an experiment to turn its Point; and make the same Wand to lay the Devil that it raises; and since the Laws were almost silen-

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ced only with their threatening Arms: 'Twas time to animate the dead Letter: To make it know its force and exert its power; and to strengthen a Government: That seem'd but too weak for its self, and unhappily distrusted its own security; And that to this purpose the power of the Pen has not been ineffectual, will appear from these subsequent Observations; Which the comfortable success will better justify, than their prosperous Rebellion could have been made again Just; and which I'll assure you now 'tis some Comfort to observe: Especially to those that were so bold as to be concerned, that dared to stem the torrent of Schism and Sedition, when 'twas but a dangerous Duty; and embark'd with the Government, in a storm; when the Waves rose and raged horribly, and the gathering of the People, was like the noise of many Waters.

It is observable that upon the first dissolution of the Westminster Parliament, that which might be as well called the healing one; whose sober debates had superseded the sullen unadvisedness of the subsequent: closed the wounds of an Intestine War, cemented the Government of Church and State; Compact, and firm; for about twenty years; beyond what the force of Rebellion

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on could devide ; or Plot and Treachery undermine; That Parliament which they Libelled, Publisht for Pensionary ; only because it would not take pay of the People, where perhaps, they would have been truly paid. That Parliament which with regret they call the long : And all honest Hearts resent as too short ; whose unhappy dissolution rivall'd almost the fatality of the late perpetual sitting ; whose Prudent Progress gave some probability of sounding a Plot : which others inconsiderate rashness hath left without a bottom ; if not beyond belief or Foundation, by proceedings unwarrantable and bold. 'Tis observable, I say, that then the Serpent of Sedition, that like the Primitive one was curst in the Restoration , forc't to creep on its Belly, and crawl upon the Dust, began first to raise its Venom'd head ; and with audacious Libels, spit its Poyson in the very face of Majesty: We know we had Plots before, and that Oats his too ; not as a Discoverer, but as prime Rebel, and Conspirator ; not as an informer of Popish ones but a Ring-leader of a Republican : we know we had then too our Tongues that were hanged for Treason ; as well as those that could since get Traytors Hang'd : yet still midst all those unsuccess-

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ful attempts to Rebel, Sedition never grew so much and succeeded, that blessed Interval of near twenty years quiet, tho' oft endeavoured to be interrupted, never afforded so much Treason from the Press, as for the last five years has been Publisht in their Prints; Libels lookt as if they had been Licensed for a Lustrum; and as if the temporary Printing Act had expired seasonably, 'twas never resolved amongst all their Orders to be revived; 'twas opposed even when moved, unanimously, that Treason too might be Publisht with a Nemine contradicente; 'twas presumed, I suppose, the better Pen-men were their own; and I grant them the more pestilent; that could spread their Contagion as fast as the Plague, and to the Monarchy as mortal; for almost five years the Distemper was Epidemick; and the State Empericks had poysoned the body Politick almost beyond the Antidote of true Medicine and Art, it Sympathis'd with Pestilence in the Natural, almost incurable; reigned most populously in Towns and Cities; and turned every Corporation into a politick Pest-House: Appeals, vox Patriæ, Liberties of England; Fundamental Rights, were expos'd in Capital Letters upon every Stall; and that dedicated to Representa-
tives

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tives ; and some Penn'd by them too ; for the Information of the People ; or in a less preposterous Phrase for their Confusion ; Sedition seemed to be countenanced with suffrages, and seconded, as they thought, with the supream power of the Nation. They expected Treason should have been enacted for Law ; and Laws repealed that had declared High-Treason. 'Tis almost preposterous and incredible, tho' unhappily too true, that more Sedition was fomented from the discovery of this Popish Plot, than all the Jesuits in Hell could have raised, while yet undiscovered, we forged out one anothers ruin from the very deliverance; and to fall with harder fate the less to be lamented ; by our selves, and just escap'd the storm we strove to perish more miserably in the Port. Such was the state of affairs, when some of our Loyal Hearts first ventured to stem the Tide, the fierce influx of an Impetuous Rebellion ; that like a true torrent came rolling on with noise and clamor ; and threatned ruin from afar : The first that oppos'd the Great Goliaths of their Cause, that defy'd too even the Armies of the living God ; and the strength of his Anointed ; was he who from his Youth had serv'd the Crown, with his Pen as well as

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his Sword ; and before him too did their Dagon fall ; one whom they had designed formerly for a Victim, when they sacrificed, their Prince ; whom Providence reserved for their Scourge, and for which since some of them have publicly curst its dispensation, Libelled him in their Emblematical Representations, (in which, I confess, they neither spared their King) breaking his Halter like a Dog, and running for his Life and Neck ; and that by the very same hands of Villains that had forfeited their own to the Government, and were afterward faster noosed.

How Zealous were our Popular Patriots against the least animadversion that was made on the most audacious Libel, and even Judges themselves arraigned, for daring to execute those Laws, the meanest willain, could daily dare to violate : How curious to enquire for the least accusation against the worthy Person above described, and only because he dared to do his duty ; when 'twas dangerous to do so : It was a pretty sort of expedient, tho' the most absurd Politicks, for the countenancing of the Popish-Plot, to bring every one concerned in it, that would not swallow the whole Mass of it raw, crude and undigested ; and that before they

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they had cook'd it up with Narrative too ; while their Protestant rashness at the same time precipitated them but into a Romish Doctrin, of Resignation to their Senate instead of a Church, and believing their house of Commons with a Faith *implicite* ; yet this was all done too, and this Gentleman whose Writings only declared him a little scrupulous in matters of belief ; (when even by the most credulous in all Ages, it has been allowed to doubt ; and by the Great Des Cartes the wisest Philosopher as a step to the knowledge of the Truth.) Him 'twas expedient to Metamorphose, with the power of an Oath ; which was then Omnipotent, from an avowed Protestant, into a profest Papist : I use that poetical Expression, because they might as well have sworn him through all the transformations of Ovid, into Bull, Bear, or Dragon, born a profest Son of the Church, conformed through all his Life, to all its Ceremonies ; a Champion for her with his Pen ; and with it a publisht Enemy to Rome, even in his own Works ; having about him Eyes, Nose, Ears : And from Head to Foot all the true shapes of a Protestant Humane Creature ; but the Spell of Affidavit beyond that of Circe, turned Him all into the Beast of

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Babylon; all his Hair vanish into a shaven Crown; The Whore came riding on his very back, and the fleecy Coml of Priests came tumbling o're his Shoulders; and the Common-Prayer he held in his Hand, ran all into red Letters, and the Mass-book: His being a Papist, and a Priest, was as much credited as the Plot it self; and might have had the Resolution of the House of Commons to the point of his Religion as well as the truth of the Conspiracy; not a Member but was well satisfied of his Apostacy, and could Menace him in Publick with a Topham or a Tyburn. And he the first Instance, that under a Government yet establish'd, a Religion then Labour'd for with Zeal, who for Writing in the defence of both, was forc'd to fly for his security and Preservation, tho' as publicly cleared from the perjur'd Accusation, before his King, before his Council, as good Judges at least as the Credulous Commons; these careful Patriots being often abused by their Country-men, for whom they were so Zealous; Oaths, Affidavits, and that Cloud of Witnesses, had almost obscured the light of Reason and Understanding.

Another Worthy Person, tho' unknown, that at the same time blest our Land with
the

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the Benefit of his Pen, while with the bounteous river he hid his head; whose Ingenious Dialogues only Corrected their sawcy Labels; with a smile and with a pleasant reproof of their Falshoods made them feel the smartness of his Truth: Him they Libelled too for Popish, Mercenary, Pensioner to the Party: So Zealous were they for the subverting of the Government, that they could damn all that did but dare to assert it; Break the very Laws of society in their Censures; and what they could not prove with their Affidavits condemn upon Presumption.

With what sawcy, Petulant Animadversions did they treat the Dean of Paul's Sermon of Separation; A piece penn'd with that Judgment and Moderation, that it was only envied for being so; commended and applauded by the Pen, even of one of their most virulent Scriblers, that had engaged Himself for the wilifying of the Church, in which he was Christned; and fighting against the Banner of his Christ, for which he had vowed himself a Souldier; * And with the subtle Insinuation of righting of her Prelates, wrong'd and abused her whole Hierachy; yet such an one could allow that peaceable and pious piece, to be without exception

Vid. Hunts
Postscript.

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Vid. Mis-
chief of
Imposition.

ception; but what Reason could not resist, must be baffled by a Buffoon, and a Pen employed to Burlesque the very Bible, rather than want an answer to the Text; and the sacred service of the Church, prophaned with the tropes of Trinkets, and the Metaphor of an Hobby-horse; tho upon other Occasions she can be transformed into the more terrible beast of the Revelations: The Author was Anonymous, and so escap'd the thanks of the House; but what ever were the scurrilous Animadversions on the fore-said, and the like Ingenious, Loyal, and elaborate pieces; 'tis observable they had so much Influence on some of our blindest Zealots as to open their eyes, brought some of their Villanies to light, that had been so long transacted in the dark, and drove the Faction to stand a little at bay, that had ran the Nation almost out of her Wits; cool'd their brutal Zeal down into Humane Sense, acquainted them with what was truly Religious, and heartily Loyal, instead of a devout Phrensy and a mistaken Loyalty.

All that I can arrogate to my self, is but what I shall always be proud of, of having done my Duty, and that to my Sovereign, as well as his Subjects, in a seasonable Animad-

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nimaadversion on as damnable a piece of
Treason, as ever was brooded by the most
perjur'd heads that ever; hatcht a Rebellion:
That Specious pretext of an Association,
That Covenant to Rebel against the Life and
Honor of their Prince, with Scripture war-
ranty; and in the fear of God; tho' the
very Text tells them, touch not mine A-
nointed; And next to fearing their God,
follows honouring their King. I cannot
say, I was Instrumental in the following Ab-
horrences; but hope the God of Heaven,
blest my poor endeavours so far as to encour-
age but an Abomination of the draught of
Hell, which I hope too, I there represented
as black as the Devil that contriv'd it, or to
give it its true Colour, almost in its own
blackness; my foreboding thoughts shewed
me in it like a Glass, all the Villanies and
Treasons that have since succeeded, who not
prospered; The very Scheme and Embryo
of this teeming Plot; The very Metaphor
of the Trojan horse that carryed Fire and
Sword in its Belly, brought within the
Walls of our House of Commons, as they
themselves assure us; I am sure as unhappi-
ly as that within those of Troy by almost
pulling them down, and exposing the whole
Kingdom to the flames; and that too by the
treas-

Vid. Pro-
ceedings at
the Old-
Bayly.

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Vid. Post-
script to the
History of
the Associa-
tion.

treachery of as false a Sinon of our Age; as great a Renegado to Prince and People; and whom they too had saved from being justly sacrificed, only for their ruin, and destruction; And that I have done in spite of those Censures, I have laboured under of having been Mercenary and set a Work of having been more Zealous than Wise: As an Anonimous Scribbler has been pleased to represent to the World; but I thank my Stars that have envolved me with the fate of the Government, and when ever that can't stand, I desire to fall; but the puny pedantick Soul shall know, I can give him a prefatory Animadversion for his Post-script Reflexion. As to my being Mercenary, whoever condemn me for that, are as Ignorant in their Censures, as unreasonable; for I did for the Prevention even of that very Callumny decline the taking of a single Penny; the least sort of gratuity, for any Copy, or single Letter; that in the plain, Litteral Sense, I might be said to serve the Government for nought; I thank my God that has allowed me that Competency, that I can write with pure Affection, and not for Bread, with the sense of my Soul; not of my Belly: Tho' it has appeared on Evidence, that the great Patron of their Cause kept

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kept open entertainment for the pampering Sedition; and feeding the flames of Rebellion with the very sops of his Table; discommending there the most virulent Satyr, only because not bold enough in expressive Treason; but too little favouring Rebellion.

Vid. Settles Recantation.

And as for the Presumption of my being set a work, of which they have accused me too in their Prints, that's more false than it is truly malicious; the villains thought none bold enough of himself to defend the Government, when they could with so much Impudence invade it, I was so far from being instigated by Persuasion, that even my own acquaintance, my most familiar Friends, were unconsulted; and my Person at this very time unknown to any single Person of that Court Party they would have me to serve, I urg'd this to let them know the falseness of their sordid Suggestions, and the real truths of their most malicious falsehoods, and moreover and above, all, the goodness and equity of that Cause, I shall ever defend, and that more willingly with all my dearest blood, than one drop of Ink; that Persons refusing profit or emolument, without application for interest or preferment, discourag'd, disgusted, and hardly dealt with, even by some of those seats of Literature, where they say
the

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*the Doctrine is nothing but absolute Domi-
nion; and the best of teaching Tyranny, tho
indeed, nothing but the solid Seminaries of
true learning and Loyalty.*

*But to satisfy such; themselves, and their
Treasons, let me a work, both black a-
nough to have exasperated the dullest Soul;
And even a Dumb Son would break into
Speech, to see the Father of his Countrey
ready to be slain.*

*But besides one whose age will scarce permit
him to be prejudiced with much reading, or
Authority, having had but little time to
Consult much; so that whatever my senti-
ments are, they must proceed from the agree-
ableness of so good a Government, to pure,
natural; and unprejudiced; Reason; to the
Principles and Instinct of uncorrupted Na-
ture it self, and the very well Being of an
Humane and Civil Society.*

*But for this Gentleman, or rather that
spattering Scavenger, who for Expressions
of an unfeigned and hearty Loyalty, only
for a specimen of his profession, would re-
turn to his throwing of Dirt; and stamp
my Character, as they did then themselves
and their Treasons in Print, I shall scarce
retort his calumnies for fear of wearing the
badg of his Office in a filthy stile and foul
Ein-*

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Fingers ; 'tis enough to repeat them ; and his own stroaks will return best in the rebound.

I were more Zealous than Wise to turmoyl in a thing never owned by any Person, and calls it a hard shift to beg a Question.

As for my Zeal I will even acknowledge to Him, for my Wisdom shall submit to better Judges ; but if the Sot had not been so silky, as to be beyond the sence of Impudence ; his Countenance of hardened Brass, could never have called that begg'd which was sworn upon the Bible, and openly produc'd ; and that not by Beggars, rak't out of their own Dungbils, their dirty Bogs of Irish Affidavit, fitter to be carried out with our night Weddings, than woad as they were to come over for the drudgery, for sending a poor Priest, and a Plunket to our Tyburn ; But when at last they were like to stick in their own Mudd, then their own Mercenaries, with an Ingenious Malice were sob'd off for our Hirelings, tho they knew they were sbipt over by their Patron, the Noble Peer, wretches that were tied up afterward to their own Gallows in Ireland ; I am not tender of the poor Priests Person, tho his case was hard ; the Kindness I leave for my Protestant
Re-

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Religion may make me less compassionate for Men of different persuasions ; but the profession of any Law, will make a man concerned for Common equity, that a criminal cleared by his own Natives, the best Judges of Circumstantial Truths, and Humane Probability, should be found guilty by Forreigners, exposed to the delusions of a Probable Lye: But if the wretch has the Confidence, to survive his Conviction; can he call it now Begg'd, when the Gentleman at whose door 'twas laid, there powerful Patriot, their deified darling, has appeared since the very Devil of Rebellion, double dyed in Treasons, designed Murders of the Royal Line, and intended Massacre of the best of People ; and that beyond the Contradiction of Impudence it self; Having transcribed all that Rebellious Scheme into the graphical Plan of his Conspiracy; raised upon its Foundations, an Insurrection as sure as Plot and Treachery could contrive; the train laid, the match ready, and only because his Fauxes were not so forward to give Fire, burns with indignation at the dulness of his own miscreants, that unlike the true Machivall Assassin, did not dare to dispatch quickly, but tamely suffered villanies to miscarry for want of Courage

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rage, and his being failed, Conscious of his undiscovered guilt, and bigg with acted Treason, seeks for safety where 'twas only left, in flight, flies to a forreign, what he designed to set up at home, A Rebellious Republick; seals his hatred to the Government there with his latest breath, and his last Will; and leaves for a Legacy the success of his Conspiracy; that's Blood, and Slavery, to his kind Countrymen for creating him a Patriot.

Vid. Truly the Gentleman is very *Postscript.* sharp, and his sharpness had been Commendable, had any been found guilty, of framing or abetting the Paper.

I thank him kindly for his Bit and Knock, which had their Villanies succeeded the one would scarce have been a Morsel of Bread, the other a good thump with a Stone, or their sanctified Flayle; but there was none found guilty of framing it; nor indeed like to be, when the Jury themselves were associated against the Government, and transcribed the very Crime of their Criminal into practice; That Jury who by an early Anticipation of his Guilt, might perhaps have saved the blood of some, their own Darlings, before it had been so deeply tainted with the Venom of that old Serpent; whom now his
C fallen

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fallen Angels Curst too for Cancomitan-
cy: and in their dying words, as the Au-
thor of their Ruin, That Jury that might
have prevented the danger of the Kings
Life, only by exposing that of a Traytors,
and of whose Royal Blood they must have
been guilty by Consequence, had the villany
not been blasted by Providence, and are
now only Innocent by a miracle, and with-
out Repentance still guilty. And I have
that Charity to believe that the subsequent
discoveries, have given some of them a sight
and sence too, of their error; that they were
only blinded with an Ignoramus, because
in the Dark; and that they are satisfied
the God of Heaven has brought now the Con-
trivance of Hell to Light: And yet for a
little Animadversion on these, amongst whom
some I hope are ready to condemn themselves,
the Reflector represents me as furious, igno-
rant, uncharitable; but with what face
can he urge that none abetted the Paper,
unless with such an one as his own Consci-
ence must fly in, who himself abetts it as
far (as the popular Pedant is pleased to
call it) the Peccant part, that is, the
cunning Knave would adhere to Treason,
as far he could without Hanging; But was
not the Paper abetted at the very Bar, and
that

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that by Bernadiston; that shan'm'd off that
Treason on the Parliament, as he would
have done since the Plot it self on the Ab-
horreurs: And for which we have Reason
to thank him, and not his House of Com-
mons, It could not have been believed that
such a thing could have been offer'd in such
an Honorable Assembly, had it not been
kindly insinuated by their Civil Interrogato-
ries; but then the Gentleman would have
us believe for the sake of his Innocent Jury.
They never heard of or saw the thing, till
Printed by the Loyal Stationers with the Co-
venant, Jigg by Joul, (as his clumsy
Phrases have it) but did ever a more ma-
licious Ass forge such falsehood in the face
of the Sun, against Evidence as clear as
the Lamp of Heaven it self: When the
same to a syllable was all read to them in o-
pen Court, the same that himself insists to
be Printed in Collums with the Cove-
nant?

Vid. Pro-
ceedings at
the Old-
Bayly.
P. 14, 15.

I have but one thing more to observe upon
him; (if any thing he has said can be worth
Observation) not so much in my own defence,
as of that which I shall ever be ready to de-
fend with my last Breath, and my latest
Blood; The Church whose Ministerial, and
sacred Officers, I am sorry should suffer
C 2 through

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through the Ignorance of such a Sat, and for the sake of one so little related to their Function, and so much their Friend, whom the Wretch Labels thus : Why he should Hyperbolize in such an hot headed Stile, &c. no Reason can be given, unless it were some young Crape-Gown Levite, that had a mind to be dabling in Gall, and Ink; of those there are two, for among that sort of People there are many for want of Education, very malapart to others, and for want of what in them should be most Conspicuous, good Example, and out of a Cruel and Bonner-like Disposition, most Remarkably, uncharitable : And then in the next Paragraph, calls it Pulpit-Rhetorick, and Crape-Gown Extasie.

*The Warmness of the Stile, which he the more furious Fool is pleased to call hot, certainly was warrantable. When their Zeal was burning, the Fire kindled; and they had already put the Nation in a Flame : When they were ready to turn our flourishing Sion again into a perfect Babylon, a Land of Confusion and Captivity; When in the very Literal Words they cryed down with here even to the Ground; Would they have us verify the Desolation
of*

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of it too, by hanging our Harps upon the Willows, having only recourse to sadness for our assistance, and only quench their aspiring Flames in our humble Tears? They can't have recourse to Moderation, and pray'r; to avert those Foolish Fears of an easie Government; but Burlesque the very Bible, traduce the Doctrines of all Primitive Christianity, for to warrant an immoderate Rebellion; and can such unreasonable Souls tax us for want of Moderation in the Defence of an Establish'd Government, that most immoderately blaspheme God and their King for the undermining it?

The fixing of his pitiful and pedantick Terms on the Venerable Gown explains sufficiently the Veneration he has for the Church, the dulness of his Sense and Stile betrays his very dissenting from it, and his Ignorance the best Evidence of his Nonconformity; 'tis the best Argument of his absurdity to talk of their want of being well Educated, who have such Seminaries, so well endowed, for a learned and liberal Education.

Tho' I confess, they want your Lobbs, Ferguson and Calteers for their Tutors, and are not trained up into Treason from

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their youth, and pampered into Faction with their Food.

But for their Disposition to Cruelty, so far from Truth, that it is only an elaborate task he takes to give himself the Lye. With what Mildness and Moderation have some of our Divines of late controverted the debates, enough to have melted He Tygers, while their own Party had no more Commiseration than those Milk; Saw like so many sharp sighted Linces, the Depredations of the Wolf, the worrying of the Sheep; while still their attempts were on the true Guardians of the Flock: His Bonner-like dispositions affirms now in plain English our Church to be Popish, and is but the Counterpart of Oats his Affidavit, that there's not a Protestant Bishop in the Kingdom. But if he will have true Specimens of a devout Cruelty, and bloody Patterns of uncharitable Divines, let him Consult the Dissenters sayings, and only the single Instance of Baxter's inhumanity, to a mangled Carcass, when he helpt to Murder the Major for the Medal of his Majesty, and wiped his Mouth in Blood, to commit Sacriledg: 4 I have done, and that with a Fellow, as full of folly as Faction, and for the prefixing to his Impertinence,

4 Vid. version in the Life of Dr. Heylin.

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nence, the Parliament Speeches, he shall hardly receive the thanks of the House; when in some of them, I shall shew he has published Principles of a Republick, open Sedition, and an implied Plot.

TRIUMPH

OF

MONARCHY

It is not long since the
Nation was torn with
the War, and the

present Government
has been established
by the late King, when

the Government of a Republick
was first introduced
into this Kingdom.

It is not long since the
Nation was torn with
the War, and the

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has been established
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the Government of a Republick
was first introduced
into this Kingdom.

THE
TRIUMPH
OF OUR
MONARCHY, &c.

TIS not so long since the poor Nation, was tortur'd with an intestine War, that she should forget her torment ; when such too as reduced her to her last Convulsions, and her latest gasp. When also the Symptoms of a Relapse has grip'd her ever since , and Sedition grumbled in her Bowels : Her Body Politick so far sympathizing with the Natural, that it will find another such a fit Mortal; 'tis but Charity to a languishing State, to give the truest Judgment of her Distemper, to prevent its return : It has the Proverbial Authority of an undoubted Aphorism, That the knowledg of a Disease

*beyond Hy-
pocrates.*

ease is the nearest step, if not equivalent to the Cure; and I know the Professors of that Art, and its best Judges to rely most upon a true Crisis; and are only successful in the Events of their happy Diagnosticks: I have paralleled one of those Remedies, our State-Mountebanks would have used for the restoring of this Politick Body with a Medecin with which our former Empiricks had perfectly poysoned her, and proved their gentle Dose of an *Association* as dangerous altogether as their Covenant and death it self.

The design of this ensuing Treatise is to examine all those sophisticated drugs of false Opinions; and how they have been continually rectified and amended with right Reason and Truth; the Treasonable positions of *Buchanan*, *Naphtali*, *Dolman* and *Milton*, those Epidemick and most damnable Quacks of the Kingdom; have been by many, and that by most elaborate pieces confuted beyond answer and reply, unless from such as are as much beyond Conviction: The Latter of which, in spite of all his smooth Tropology, the gaudy grinding of his words, had his damnable Doctrines

Crimes for Domestick Rebellion, as Ingeniously refuted by a forreign Pen; and what ever Kindness his Countrey can have for the Dust of her Native *Milton*, I am sure, 'tis more obliged to the Ashes of an *Alien*; and tho some are so much for building him his Monument, I shall still much more reverence the Memory of *Salmasius*.

Vid. also
History of
English
and
Scotch
Presbyte-
ry by a
French
Divine.

Alciatus a
forreign Ci-
vilian too,
write a-
gainst the
Deposition
of Edward
the 2d. and
Richard
the 2d.

'Tis a little Prodigious that Persons not so much as allyed to the Clime, should have such Kindness for a Government, to which they are no way subjected: while those that are born to obey it, and have pawned their souls for their Obedience, should break the Laws of Nature, and Nations for its ruin and subversion; certainly it can proceed from nothing but the agreeableness of the one, to the solid Foundations of Eternal Reason; The other only from the Malice and Venom of those Vipers, that for the production of every novel, and unnatural Opinion, must force their way with Blood, and Wounds, and that too through the very Bowels of their *Damns*.

But these forementioned Miscreants have been lately too as learnedly refuted

ted by the Judicious Pen of his Majesties advocate in *Scotland*; those that will chiefly fall under the Animadversion of mine, shall be such as within this five years, too long a *Lustrum* for allow'd Treason, have retrieved those Doctrines for *Truth* in so little time, and with *Impunity*, that will remain false to all *Eternity*, and have been *Condemned* by all ages. I shall take them in their Order as they have Printed, Published and Practised Treason: They shall take their turn with me as they ought, at *Tyburn*, when by Justice overtaken, where they ought to have the aim of their Ambition in their end; where every ones more forward Rebellion, should have given him his more timely preferment, and by his villainy be entitled to precedency.

Tho' the Title insinuates, their Plots should be first treated on, and the Rebels come first upon the Stage, that serves rather for the runnings of the words than the Reason of the Work, and though the Stile of the first Page may seem to promise the rest shall be posteros, I shall take Care the method shall be more Natural, and first we shall begin with the Principles of our late Republicans,

publicans as the productions of the Plots of Rébells, the result of which has been verified beyond the Reason of Philosophy, and the Effects of necessary Agents do not more naturally follow the Cause ; and will all along Demonstrate, as clear as *Euclid*, how the one has been always baffled by Reason, the other continually blasted by Providence.

The number of all our most Licentious, and Libellous Authors, who can pretend to merit Animadversion, (for the rest are innumerable) whose Pestilent Pens do most provoke it, whose Papers deserve the fate of the Noble Peers, and their Persons at least the Pillory, I shall reduce to five, the *Quinque-primi*, as the *Romans* reckoned them amongst their Senators, whose more virulent Essays shall give these the preëminence too, amongst our Republicans, who have been absolute *Monarchs* of their Pens for the last *Quinquennium*, and exercised that Tyranny over mens minds, beyond what they could fear even from the worst of Government over their Bodies. These five chosen *Gamesters* at the Pen exercised themselves like those in the *Olympicks* ; each had his Portion
in

in the *Quinquatria*, and his prevailing part allotted him in their first Feast of Faction.

The first was their bold Author of the brief History of Succession; and the first, I dare swear, that under a Government beyond dispute for 600 years Hereditary, dared to controvert the Succession of its Heir; and truly 'twas a prudent sort of Expedient in their Politicks, to raze the Foundations of *Monarchy*, before they would offer to build up a Republick: The prime Introducers of the *Bill of Exclusion*, were bound in prudence to get Pens to justify their Proceedings in Parliament; which otherwise might not have been so well relisht by the People, by being barely Parliamentary, as well as it is since evident, they set a work some of their Chaplains to eradicate the very Notions of *Passive Obedience*, till Rebellion took so deep a root in some of the Patrons, that it anticipated worse sufferings then what they feared, and from the vain dread of dying *Smithfield* Martyrs, made them truly suffer for Plot, for Treason, in *Lincoln's-Inn-Fields*.

The

The second prize they play'd was for a Common-wealth ; which was naturally the next blow, when they had so fairly struck at the *Monarchy* : and then rises up the Ghost of old *Plato*, an Image or Appearance as much unlike the Divines, as the *Spectrum* of old *Hector* was like himself when soiled with Dust and Dirt ; the living original was the sublimed Essence of exalted Love it self, and this copy of this degenerate Ghost, the dull extract of deadly *malice*, the true Devil of a Republick: the *English* of it was, they knew they had formerly usurpt upon our Crown, and brought it to the *Common-wealth of England*. They had made it an *Ilium* of Fire and Confusion, tho' to their dire thoughts a pleasant sort of an Interregnum, they still take that *Epoche* of their *Slavery* for the date of their *Deliverance*; and then it was no way preposterous for the retrieving of a sad *Platonick* year, to raise up a *Plato re-divivus*.

Their third Combatant of their Cause, and who in his own rank will fall under my reflexion ; is a Creature of another Complexion, and that *Hunt* in his Postscript, upon whom I shall observe all,
what

what is pertinent to this purpose, whose cunning Insinuations have all the palliated Knavery of the Ballad, of the Cloak, and with the pretty defence of ius Prælates, Libels the whole Church it self, and this very peice as naturally succeeded the preceding; for when the state was to be turned into a *Protestant Republick*, 'twas time to make the *Clergy, Papists*; when the *Common Prayer* was to be abolished, 'twas time to vilify those that were ordained to read it; when the sign of the *Cross*, was become as offensive as a *Crucifix*, 'twas time to traduce those that waited on the *Altar*; and to plead sily for a *Directory*, tho' *pen- ned in blood*, when all our *Litany* was run down into *red-Letters*, and a *Mass-book*.

After all this, lest the Devil of delusion should have been unsuccessful against the Doctrine of the Gospel, lest some might still honour their *King* for the fear of *God*, and *Christians* be obliged by the blood of a *Crucified Saviour*, and the badg of their Profession the *Cross*; a devout Incendiary a Divine Rebel Apostatizes from his Faith, only to give the better Character of an Apostate, and fairly

fairly suffers himself to renounce his Christianity; only to confute the Doctrine of sufferance. This damnable position of *Resistance*, did most naturally follow those Principles of *Rebellion* they had publisht before, when they had proved that their *Interest* did most infallibly oblige them to *Rebel*, and that they had certainly the *Devil* on their side; they knew they should soon be secure of Peoples *Purses*, when they had mastered their *Consciences*, and made a party of God and Religion. This made them back the *Lawyers* Arguments, with that of the *Divine*; out comes this *Johnson* upon *Hunt*, or *Hunt* upon *Julian*, sworn *Associates* for the perverting of *Divinity* and *Law*, both designed, without doubt, for the best and highest Preferment in their new Government of Church and State; the one must have been our Metropolitan, the other after so many disappointments, Chief Justice; and truly two such Instruments of *Hell* would have been only fit to preside in such a State that would have look't like the *damn'd*, full of Confusion, full of Contention, full only of *Johnson's primitive Rebellion*; the Devils, They only past for two pieces, tho'

tho in truth, but one new *Dialogue*, between the *Doctor* and *Student*; both agreed in their *Divinity* and *Law*, superviz'd each others *Sedition*, and corrected *Treason* for the *Press*; lest their *Quotations* for *Authentick*, *Religious*, and *Statutable Rebellion*, should fail them from the *Bible*, or the *Year-books*; The *Gospel* that once abrogated the *Law* by these *Jews* is made to Confirm it, and the *new-Testament* to warrant that *Rebellion*, which the *Old* had damned for worse than *Witchcraft*, both these *Incendiaries* the very *Counterparts* of two late *Regicides*, that lived, lov'd, were *Sentenced*, and hanged together. The *Judge* has condescended to second *Cook* the *Solicitor*, and in his *squinting* *Reflections* almost demanded *Judgment* on his *King*: The *spiritual* *Advocate* makes up an *Hugh Peters* the second, and tells us nearly in the old *Villains* own *Words*, not in the *passive*: (*We have not yet resisted unto Blood.*) But if this *Gentleman* would be tryed by the *Word of God*, as his *Predecessor*, in his *Trial* desired to be, he would find the *Bible* the best *Confutation* of his *Book*.

Vid. *Trial*
Regicid.
p. 30.

D

The

The fifth and last of these prime Senators in our designed Republick was the mighty *Sidney*, whose seditious Pen was the last too that would have acted its Tragick part on this Bloody Stage, which lay ready behind the Curtains, waiting only for the success of the Plot; but they happened to be drawn, and he forc't to enter before his time, by its being blasted and unsuccessful; his final Determinations had prepared to Crown all with the described happiness of a Republick; and the experienced Holiness of a Commonwealth for fear lest after the Butchering of the best of Kings, they should improvidently set up, but for a resemblance of sole Sovereignty, tho' in the spurious issue of a precarious Monarchy, and the arbitrary Management of an Illegitimate Prince. He would have had no shadow of a Monarch to succeed our Matchless *Charles*, not as the *Athenians* suffered that Government to dye with their *Cadmus*, because his goodness was unimitable: He had prepared the draught of Hell, and true *Roman* hatred for its Extirpation, and made a *Tarquin*, a Tyrant and a meer Monster, of a pure Miracle of Mercy:

The

The whole Scheme of his Rebellious Principles, which he still denyed with his last Breath, and still owned with the same, with all the Impudence of *Jesuits*, and their Equivocations too; he would not own it *absolutely*, lest he should acknowledge the Justice of the Nation; he would not deny it *positively*, because the Nation should know he could answer *Filmer*: The whole we can't animadvert on, because thought perhaps too dangerous to be publisht; but what was taken at the Bar, and delivered on the Scaffold, was too much the *Truth* of a Republican, too much *Treason* to be divulged, and what can never be too much discountenanced, and refuted. And here you have the chain of a parcel of rebellious Libellers linkt in an orderly Combination, for the shackling of us into Slavery, and the binding our Kings and Nobles again, with Fetters and Iron: I shall begin with the first factious Fellow in the Front, and that's the *Historian*.

D.

CHAP.

CHAP. I.

*Historical Remarks, on the
brief History of Succession.*

I Don't Design here a particular answer to each Paragraph of his Historical Discourse ; which probably has been as much falsify'd, as any thing the contrary of which could be verifi'd on Record, and perhaps cramb'd with as many lyes as ever could be Corrected with truth ; it would be a presumption and impertinence to pretend to answer that which has been already done by some unanswerable Pens, the Knowledg of whose Persons, and Worth would deter me from such an undertaking, as well as the satisfaction of their Papers supersedes it ; mine shall be but a few sober remarks, subsequent to their solid Confutation.

*The Worthy
Dr. Bradys.*

*And the
Learned
Author of
the Great
Point of
Succession.*

And

And truly in the first place all Historians agree that our *English* History was uncertain before the coming of the *Romans*, and without doubt we had reason to want the Tradition of it ; when needs we must, when we had nothing of Learning or Knowledg to deliver it down ; unless we would imagin the silly simple Souls could have left ustheir own Skins for a Chronicle ; and transmitted the painted Constitution of their Government in the Colours and Hieroglyphicks of their Bodys. But since that Author owns, and that from the good Authority he quotes, that the Nature of it was uncertain ; but that they were subject to many *Princes* and *States*, which last Expression I fancy was his own, to make it favour more of a *Republick* : which I am confident they were then as Ignorant of as we, truly now, of *Tyranny* and *Oppression*, which I gather partly from the Constitutions of all Nations at this time truly Barbarous : Since both the *East* and *West* of the uncivilized World confirms the warrantable Hypothesis, the most probable Conjecture, which is all at this present governed by its petty *Monarchs*, and

Strabo,
Tacitus,
Cæs. Com.

puny *Princes*, tho' some greater *Empires* too than any of ours in *Europe*, no small Argument for the Divine Right of *Monarchy*, by its being so generally embraced only by the light of Nature; whose Creation was, whose Subsistence is the sole Care of Divinity it self. And besides Dr. *Heylin* tells us, that at the entrance of the *Romans* the Isle was divided into several Nations, governed by its several Kings, and particular *Princes*.

So also Cæsar, Bell. Gall. Lib. 6.

The Druids, as may be gathered out of *Cæsars Commentaries*, had in those Ignorant days all the Learning, and the Law; But too little alas to let us know whether their *Princes* were absolute *Monarchs* or limited, *Hereditary* or *Elective*; though 'tis to be suspected they were both unconfined in their power as well as succeeded by their blood, those poor Embryo's of Knowledge, the very primitive Priests of Barbarous Heathens; that in their highest felicity were no happier than the first asserters of the Gospel, under Misery and Persecution; their reverend *Hermitages*, but the *Woods*, the *Dens*, and Caves of the *Earth*, were far sure from disputing the right

right of Sovereignty, when only capacitated to obey ; far from transmitting to us the frame of their *Monarchy*, unless they had known the *Egyptian* learning of writing on the Barks of Trees, and made their Libraries of the Groves in which they dwelt : The *Princes* and *Monarchs* of their Times were wont to frequent those pious places for Worship and Adoration ; and had a Veneration too without doubt, for those reverend Bards that sacrificed ; but were far I believe from subjecting their Regal Authority to that Divinely *Pagan*, tho' then the sacred Jurisdiction ; tho' 'tis reported that upon *Cesar's* invading them, the very power of Life, and Death, and the Punishment for all manner of offences ; was in their sacred Breast, and such as would not stand to their award, were forbidden their Sacrifices : which Interdiction then was the same, I believe, in effect, with the modern power of our Church to Excommunicate ; but besides another reason, and the best too, why we have nothing delivered from those sacred Oracles of Religion and Law ; why the History of those times is still uncertain,

and was never transmitted, is because they were expressly forbidden to transfer any thing to Posterity, or to commit it to Books and Letters, tho somewhat of that sort of Communicating, must be supposed by that Inhibition to have been Imparted to them from the *Egyptians*, *Greeks*, *Romans*, those *Eastern Climes* through which Learning and Letters had their first Progress.

But whether their Ignorance, or such a prohibition were the Causes why nothing descends to us of the Government of our old *Britains*, 'tis granted by all, and by this Author himself, that it was *Monarchical*, that Kings Reigned here *ab origine*, if not *Jure divino*; Though I look on their Antiquity no small Argument of their Divine Right, and for the probability of their Hereditary Succession, which I insinuated above, can, I confess, since we are so much in the *dark*, be only guessed by the *light* of Reason, and that I shall make to warrant the Conclusion, from the present Practise and Constitution of all barbarous Nations, where the next of blood still mounts the Throne, unless in-

interrupted by Rebellion, and that's but the best Argument of our Author for the Power of his Parliaments; and if only for this *certain* Reason, we have more Authority to conclude it was then Hereditary, then he only from the *uncertainty* of the Story, has to conclude it otherwise.

In the next place, I see no reason why his Sentiments should determine other Peoples thoughts, and why we should not think that the following Heptarchy of the Saxons, (tho they had their seven Kings) yet still might agree in one rule of Succession, nay tho their Laws were so different too as he would insinuate, which is not absolutely necessary to suspect neither; for they being all one Nation, and then but just called from their home by our *British King Vortiger* for his assistance: may probably be supposed to have retained for the Main the general Rules and Laws of their own Countrey; tho when divided into those seven Kingdoms they might also make a sort of private by-Laws according to the different Emergences of particular affairs that occurred in their several Governments

ments. Can he prove that the Succession of the Saxons in their own Country was not Hereditary, when they inhabited in their small Dukedom of *Holstein*; and that consequently they retained the same sort of Election; in their new acquired Government here, that they left in their own at home? this he does not undertake to suggest, because not able to prove, there having been a probable *Monarchy* all along Hereditary, if *Paternal Right* was wont to descend so: for that is proved by most learned Pens, and these Saxons are believed to have been the reliſt of the race of *Cimbrians*, that inhabited that *Chersonese*, so called from its Inhabitants, of whom *Gomer* the Son of *Japhet* was the Original Father or Prince.

But what ever was their Government before, he allows them to have set up seven *Monarchies* here: only can't think they agreed in one *Rule of Succession*, because governed by different *Laws*, which tho granted, is so ridiculous an *Infinuation*, that greater Differences, at present, between greater Kingdoms and Nations, far more remote in Place, far more different in Religion, contradicts the Sug-

Suggestion; who for the most part, now over the whole World, agree in an Hereditary Succession to the Crown; and the Argument would have been as strong, and as apparently foolish (if he design'd it for a Specimen of his folly,) that since *France*, and *Spain*, *Sweeden* and *Denmark*, are govern'd by different Laws, we can't imagin them to have one sort of Succession: Which very Rebound of his own Pen wounds his Cause, more than any direct stroak of his Adversaries, for since we see those more different, more distant Nations agree in one Rule, 'tis sure a Logical Inference *a Majori*, that those that were *less* different might.

And for the *Changes* and *Confusions* of those Times, which he urges as an Argument of their uncertain Succession: that is in effect, his very *Alpha* and *Omega*; and his *prefatory* Suggestion only proved through his whole *History*, that in times of *Confusions* and *Rebellions*, Succession is *uncertain*; and so is all Property, and Common Right, all *meum*, and *tuum*; all that the Law of God or Man can make his own.

But

How in his
Historical
reface to
Stow's An-
nals, con-
tends migh-
tily for such
a story ci-
ting all our
antient Au-
thors, for its
Authority,
and Cam-
den a-
mongst the
Modern.

But as obscure as he makes our Succession before the *Romans* came, 'tis not so *dark* and unintelligible, but that we may gather *light* enough from it to have been *Hereditary*. We won't rely on the Fable of *Brute*, and the Catalogue of near 68 Kings, that are said to have Reigned Successively here before the coming of the *Romans*, yet allowing it an entire Fable, we may draw from it this Moral, at least, that a Fabulous Tradition sometimes has somewhat of reality for its ground, as the patching up a *Centaure*, a *Chymera* with a thought, results from several Objects that are simply real abstracting from the compounded Fiction: And tho we might not have 68 Kings successive before the *Roman* Conquest, yet that there were several appears, and he owns; and I conclude *Hereditary*, from the common rule in all Barbarous Nations, when ever discovered, in which the further back we run in the History of the Old World, the more we are confirmed; as also the more forward we go in discovering the New.

But tho from the *Roman* Invasion he leaps presently into the Saxon Heptarchy,

chy, yet we may read too, there were many petty Kings that they suffered here after their Conquest, it being the *Roman* Pride of having *Kings* their *Subjects*; and why those might not still retain an *Hereditary* Succession, I cannot understand, especially since Dr. *Heylin* reckons up 16 Kings that succeeded after the *Roman* Forces had left them *naked*; as indeed they were without a Metaphor to the incursion of the *Piſt*; the first five or six of them lineally succeeding one another from Father to Son; and the rest not known to have succeeded so; only because there's nothing left us of them but their Names.

Vid. Heylin's, Geograph. Britain.

After the consolidating of that Hepharchy, into a single *Monarchy*, the learned Man whom I before have cited, has shown this disingenuous Author unfortunately to have stumbled in the very Threshold, and proved by Authentick Citation, that his elected *Egbert* was the next of kin to the Royal Stock, that all the following Succession of the *Saxon* and *Danish* Monarchs ran in the blood, or was disposed of by the Will and Testament of the deceased Prince.

The

The renowned City of *London*, as he calls her, is obliged to him for his Civilities, and I shall thank him too for his Complement, in letting her know that her *Approbation* had heretofore no *small Influence* on the *Succession*: And for the securing the Crown on the right head, 'tis recorded to their Glory; and may that glorious act of their Ancestors be still perpetuated in our lasting Annals, and imitated too by the Posterity of her present Inhabitants; who then adhered to King *Edmond* their *Lineal* and *Lawful* Prince, and that because they knew he was so; A Prince Worthy of a better time, and who had he found more faithful, and but better Subjects, might have been in Condition to have made it so: His *Citizens* then clung to him, when his very *Clergy* forsook him; but their Religion in those days was too little to expect their Loyalty much; whereas ours now, as the *best* Argument of their being *truly Religious*, still show themselves as *eminently Loyal*.

Vid. Daniel.

The Citizens then, (for I shall insist upon it for their Encouragement now) would not concur with *Canute's* Election by the Priests and Nobility: And why? be-

because a perfect Exclusion of the right Heir, and the next Lawful Son and Successor to their late King : And the Fiction that the Factionous Author tells us, of a Child chosen in the Womb, proves but the Story, the Fable of a Monk ; for which he might as well have cited their *Legends M, Westminster, Paris*, nor any other Authentick Historians ancient enough, so much as mention it, and our modern Baker says expressly upon *Ethelred's Death, his third Son, Edmund, call'd Iron-Side ; but the Eldest living at his Fathers Death succeeded, and was Crowned at Kingston upon Thames ; That a great part of the Nobility favoured the Danes because they feared him ; but the Londoners stood firm to Edmund, and were the Authors of his Election*, and upon his very using of the word here, I can only observe, what the worthy Dr. has sufficiently proved too ; how common among Historians that word Election is used only for a Confirmation or acknowledgment of the Right, and how against Reason he still misapplies it to Choice : why did he not undertake to prove from Baker too, that this Prince was elected by the Londoners ;

only

only because he says, they were the cause of his *Election*, which perhaps he would have done, but that he found he must have made that Author contradict himself; (as I believe he has done the rest,) who tells us just before, he was *Crown'd* at *Kingston*, as the *eldest living* at his *Fathers Death*.

And the Interest of that *Metropolis* for the right Line was such, and so considerable, together with that Princes own *Courage* and *Conduct*, that he remained Conqueror in three several *Bat-tels*, and had been so in the fourth too, the last I believe the *Dane* would have *dared* to offer, had not that false *Eärle*, the Traytor to his *Father*, acted o're the same Treason to the Son, and revolted in the fight, when the Forces of the Foe, where on the point of flying.

The taking but *half* his Kingdom at that *Duel* and *Accommodation* in the Isle of *Alney*, was more fatal than fortunate, when still his trusty Citizens would have fought for the *whole*, and spent their *last* blood for the right Line; they

they had *first* espoused; the parting with some of his right was quickly succeeded with the losing of *all*, and his Life to the Bargain, and *England* might well be too weak for its self, when 'twas made half *Denmark*, so dangerous is it to Princes to forgo the *least* of their right, which only introduces the loss of a *greater* share, or to part with a piece of Prerogative, for the patching up some popular divisions, whose twisted Interest like Cords that are a twining, if it catch but the Skirts of the Purple, will soon wind away the whole robe; the Observation is here verified upon our old Records, and been *newly* transcribed in Blood, in our latter days; and the Son of our Royal Martyr treads the best Politicks for the Prevention, in that unfortunate Testimony of his *Father*; and if Soveraignty be somewhat that is Divine, a Subjects robbing of the Crown must be next to that of a Church, and a sin that favours as much of sacriledg.

But to let you know, in short, the design of this Historian's Complement, upon which we have dwelt too long, the pretty *Parentthesis* was applied to

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an-

another purpose ; 'twas publisht at a time when the City was *Influencing* an House of *Commons* that were for altering Succession ; and they as great an *Influence* with the City: At a Banquet of *Politicks* after their *Parliament* Feast ; and His time to let them know, the *Approbation* of that *renowned* City, had then no *little Influence* on the *Succession*. And besides in the very same Page he had prepared for them the pretty President of the Saxons, preferring a *brave* and *deserving* *Bastard*, before a *cruel* and *Legitimate* *Prince*: He means that *Athelstan*, whom he resolves rather erroneously to suppose *Illegitimate*, than *Ingeniously* to allow him, as he truly was, the *Lawful* Heir : But *Baker* and others tell us the *Truth* ; tho' he will not, and say this *Athelstan* was the *Eldest*, and no way *spurious*: But the telling of the *Truth*, would have prevented this malicious Authors *Factionous* insinuation of the *D. Temper* ; which to make the more remarkable, he must mark out in *Emphatical Italicks*, only to save the crying *Monmouth* and *York*. But the Card is turned there now, and the *Loyal Heart* , *Trump*, instead of his *Clubs* ;
and

Stow mentions not one word of this *Athelstan's* *Illegitimacy* ; and his own Author whom he cites for the *falsehood* relates it but as a *Fable*, by which *Daniel* too was deceived.

and to be hoped they'l make good the best part of the Observation, which he never designed they should, stand and fall with their Loyal Progenitors, in the defence of the right Line and the Royal Blood.

In short, upon the whole united, and happy union of the *Monarchy* of the *Saxons*, give me leave to observe this great Truth, That from their first King *Egbert*, to this *Iron-side* the last, no less then 14 in number; besides, that *Edward* the first, *Edmunds* Brother, all successively Reign'd in *Lineal* descents of the immediate and next Heir of the Royal Blood; and most of them too, the Successors of the next immediate Brother; to their present *Prince*, no less than four several Brothers Sons to *Ethelwolf* the second sole Sovereign of the *Saxons*, succeeding one another; and then with what Face, unless with one more lasting, then I hope his corrupted History, by being all Brass, with what a Front, but such an one, can such a Libel, and Imposture, a Legend fuller of Lyes than ever was penned by *Papist*, antient, or modern *Monk* offer at such a part of our History, for the dispossessing the

Even in the
Heptarchy
it self,
if you con-
sult How
you'll find
the next of
Blood still
succeeded.

Parsons,
Inglefield,
Allen.

present *Brother* of his King. But this *Papist* Plagiary, fetching most of the Materials of his Monumental Treasons from a Club of *Jesuits*, the Triumvirate of studious Traytors that forged for the subverting the *Succession*, their damna-
Doleman, no wonder if he be as full of falshood as those copyed Ignatians whom he transcribes, or the Founder of them the Devil.

All the shadow that he has of any thing of Election, was that of the *first* Saxon King *Egbert*, whom he would have no way related to *Brissicus* the last King of the *West-Saxons*; but whom a more worthy Author proves from *Westminster's* own words, that he was the sole surviving branch of the Royal Stemm; and that he was banisht into *France*; and that only for fear of his Right.

But granting then what he is resolved to suppose; still *right Reason* will confute his Impertinence even in complying in *unreasonable* Concession; the Question here is of the Succession of our *Establisht Monarchy*: And he brings us an Instance *before* the *Monarchy* was *Establisht*, owns that the History of that
 Hep-

Vid. The
 great print
 of Succes-
 sion, and

Dr. B. cites
 the same
 out of Sim.
 Dunelm
 and
 Malmsb.

Heptarchy was *uncertain*; and yet very *certainly* determines the point of his Election; and that we must take too upon an *ipse dixit* of this Dogmatical Historians, for his being no way related, he cites just *no body*, and while, for his near alliance, you have the Authority of so *many*.

That other only, *broken Reed* that in all these Reigns he has to rely on, and that like *Aegypt* too is ready to run into his side, so false, so dangerous to trust too; which is *Edred*, being crown'd in the Minority of his Nephews; when all the Historians say, it was only for their being *Minors*: And the diligent *Baker* says he was not then made Protector: only because that Authority was not then come into use; but crowned as King with purpose to resign, when the right Heir should come of age.

But lest his Modern Authority may be not sufficient with those that malign any thing, that makes for the *Monarchy*; let them consult even the most of the Antients, and they all agree they were only set aside for their *Nonage*. But this Royal Protectorate soon expired, as if Providence laboured to prevent an

Flor. warf.
Westm.
Houden.
Malesb.
and Stow,
says expressly, he was
let on
But as a
Protector.

Usurpation; and provided for the right Heir, who succeeded in his paternal Inheritance, before arrived even to the *Romans* civil age of *Puberty* 14. And the malicious Perverter might as well say as great a stress, as you'll find afterwards he truly does upon *Richard* the *thirds* Butchery and Usurpation; the breaking of the *Laws of God and Man* for a Crown: All the difference is. Here were only two Nephews for a while *debarred*, there *Butchered*; and shall such *bloody Miscreants* pass upon the World for credible Authors, who for robbing of a *Divine-right*, can cite you *Murder*; and for the breaking of our *Humane Laws*, the blackest Crime in the *Declogue*.

And since this Antimonarchical Zealot, has shown himself thus elaborately studious, to rake every musty Record of those Reigns for a *Rebellious* remark; give me leave only from the same times to make this last and *Loyal Observation*; where Providence seemed to shew it self *remarkably* concerned for its crowned Head; and that in the subsequent Judgment upon the *Proto-Martyrdom* of the *Saxon Edward*; as well as what
we

we suffered since for our *Martyr'd Charles*; tho there 'twas only for *anticipating* a right by blood; but ours a bloody *Usurpation* of those that had *no right at all*.

Ethelred's passage to his *Reign* was but before *his time*, and the *Almighty's*; yet the *Government* suffered for it as many *Pangs*, till it quite *miscarried*; within *fifty years* the new *Monarchy* fell quite *afunder*, rent and torn by *two* several *Conquests*: He himself meets with the *Defection* of all his *Nobility*, forc't to raise his *Danegelt*, and his *Subjects* into *Rebellion* by it; prepared his *Navies*, only to be *shattered* with a tempest, or consumed with *Fire*; both *Elements* and *Heaven* it self, seemed to conspire to make him *Miserable*: *Famine* and *Mortality* were the dismal attendants of his *Wars*, the *Depredations* of *Invaders* would not allow *peace*; the *Reign* that begun in a *Murder*, ended in a *Massacre*: The incensed *Danes* soon invade him, the perjured *Edric* falsely *forakes* him, he languishes a long time, as well he might, under *Guilt* and *Misfortune*; and to put the *only* period to his days, *Miseries* and *Kingdom* together *Dies*.

But because
he came to
the King-
dom, by ill
means
arose Civil
Wars
p. 86.

Vid. Da-
niel. p. 13.

The Triumph of

You see how little *success* this Author met with among the *Saxons* Sovereigns for altering Succession; how much of *Imposture* his Reader may there meet with in him, and you shall as soon see, he deals as disingeniously with the *Danes*.

And here thorough his double diligence, this Parliament *Historiographer* has not omitted an Argument for his purpose, much of the same strength as those that he has used, viz. That *Knute* was no kin to *Edmund*, or *Ethelred*: And the Dane no way related to the Line of the *Saxon*, that is, the poor conquered *England*, was not Cousin German to *Denmark* the Conqueror, and yet the Title of the latter was preferred, and their King, acknowledged *ours*.

I can't conceive what necessity of Relation an *Invader* needs to the poor Prince he *Invades*; and whether that be not a pretty sort of an Argument for altering Succession, to say the *Kingdom was Conquered*; *Swayn* had before cut out a fine Title for his Son with the Sword: The *North*, *West*, and some of the *South* part of *England* had submitted

ted ; frightened with *his* revengeful Cruelties, which *their own* had provoked : *Canute* himself after his Fathers Death, lands as soon at *Sandwich* with a Navy of two hundred, gave our *English* a great overthrow, possess himself of what *Swaj*n had before harassed ; the *West* ; and because the Nobility favoured only whom they feared , and set him up in Competition for the Crown, whom they could not keep down from being a Competitor ; *ergo*, therefore the Succession must not run in the right Line, and why ? because here it did not ; if more absur'd Inferences, can be drawn from matter of Fact, or greater Solecisms from Historical Observation, I'll forfeit all the little Right I have to Reason ; and with an Implicit Faith, believe the Legend, for a Bible, and his History for the Revelations.

But yet this Prince, though by Conquest and Composition, he got half the Kingdom, and upon *Edmunds* Death the whole, foresaw what Power the pleas of *Right*, and *Succession* might have for animating an Interest in the defence of the poor injured Heirs ; and therefore took all the ways to ingratiate himself

self with his wavering People; his young and unexperienced Subjects, and all manner of means for preventing the *Lawful Heirs*, for attempting for their Right; sticking at neither *Murder*, *Malice*, and *Treachery*; and in order to the first, he made a shew of governing, with more Justice, then he conquered, and took mildness for the best means of his Establishment; and to let the Nation know he designed *only* to *subdue* them, sends away his Mercenaries, ships away his Navy; and for a popular Specimen of an Heroick Kindness, to the memory of the *Saxons* he succeeded, as a Satisfaction to their injured Dust, prefers *Edricks* perjured Head, to the highest place on the City Gate; and with that Expedient, reconciled himself at once to his *own promise*, *deserved Justice*, and the *Peoples favour*; and yet for securing himself from any danger, from the *Lawful Heirs*, so *politickly Cruel*, that all the Royal Blood felt of his Injustice; sent the two Sons of his late Co-partner in the Kingdom, to be murdered *abroad*, and got his Brother to be butchered at home; such an experienced truth is it, that *Powers usurpt*, *Successions altered*,
like

like the blackest Villanies can only be justified and defended by committing more.

At his Death 'tis true he disposed of his Crowns, by *Testamentary Bequest*, and well he might, when there was so little known for Kingdoms of *Fendatory Law*, and private Estates then far from being *entailed*; yet in that *very Legacy* you can observe, what Power the Consideration had with him of *Right and Blood*; for he leaves his own *Paternal Dominions, Norway*, to his *Eldest son Swayn*, and to his *Youngeſt Hardicanute* his *conquered England*; considering his Mothers Blood, which was *Emma*, Wife to the late King *Ethelred*, might (as indeed it did) give him some precedence to his middle Brother *Harold*; the one having somewhat of *Saxon* in him, the other all *Dane*; especially, if he was, as some say *Illegitimate*, tho' *Baker* calls him an *Elder Brother* by a former Wife; so that upon the whole, the Contest that rose about the Succession, was but whether he had *Right*, and when at last *Harald* was preferred, 'twas upon the Resolution of his being *Legitimate*; so that here his own Inference con-

contradicts the end for which 'twas brought; and instead of *altering* the discent, shows they industriously contended to keep it in the *right* Channel; and allowing they were mistaken in their Opinions of his Birth, the Lords to make amends for their error, streight on his Death fetch home *Hardicanute*; who dying without Issue, the Right of Blood prevailed *again*, and the *Saxon* entred in *Edward* the Confessor, *Edmunds* Son only being past by because his very being was unknown; and so they can only be blamed, for not seeking for the right Heir among the supposed Dead: Yet when this *Edward* had found him out, he designed both him and his Son *Atheling* for successive *Monarchs*, whose very name imported *Hereditary*, and next of kin, as much as our Prince of *Wales*, while the second *Harold*, but usurpt upon him, against the sense of the Clergy, who even then lookt upon it as a Violation of the *Right* of the *Heir*, and also of their *Holy Rites*: and tho *Harald* suggested that *Edward* had appointed him to be Crown'd, Historians say, that it was only to make him during the Minority of

Vid. Baker
Vid. Stow
says they
did him
wrong, and
always it
occasion'd
civil War.

of this *Edgar*; a *Regent*, and not an absolute King, and *Mat. Paris*, speaking of *Edgar Atheling* in the very first Leaf of his History, in these very words, says; that to him belonged the Right to the Kingdom of England; and if Birth could then give a Right, I don't see how then, or now, any Power can defraud a Prince justly of his Birth-right.

And now we'll begin our Remarks on the *Norman Line*, upon which the very first words of *Baker* are these, *There were six Dukes of Normandy, in France, in a direct Line, succeeding from Father to Son*, and yet this Inquisitive Monarch-maker, lays his mighty stress, his weighty Consideration on the single Suggestion of Duke *William's* being a reputative Bastard; be it so, have we not here the Majority of six to one, that succeeded, *Lineally, Legitimately*, and is not these then, like all the rest of their Objections against the Government, rather industrious Cavil, then real Argument? or allowing it still, is it not most impertinently applied to his present purpose, to tell us that *William* the Conqueror was himself Illegitimate, and yet succeeded his Father in the Dutchy

Dutchy of *Normandy*? And therefore must we have *another* Natural, and Illegitimate *Duke* to wear the Crown of *England*? or was the Suggestion only made because they had such a Duke in Readiness, that had already run the Popular Gantlet of Ambition; and been sooth'd into the Prospect of a Scepter, with the false Tongues of Flatterers and Sycophants? or else was the Nomination of the *Normans* to supersede the Fundamental Laws of our Nation; And our *England* a Dependent, a Tributary to that Crown *before* the Conquest? these Paradoxes must be reconciled by Miracle before such a ridiculous Instance can pass for Reason, or Common Sense, or vindicate the false suggester from Folly and Impertinence.

But even here too his *very Assertion* fails him, and this Pretender to *Truth* both abuses his Reader with *false Application*, and telling a Lye: For this Duke *William*, tho' a Bastard Born, was not *illegitimated*, so as to be barred the Crown, and *incapacitated* for Inheritance; for it appears, as *Baker* says by many Examples, that Bastardy was then no Bar to Succession, and by the

the Canon and the Law of the Church that then obtain'd, the Children born before Wedlock, were *de facto* truly legitimated, if he afterward espoused his Concubine; and this his Factious Assistant, *Hunt himself* allows; when the Wretch endeavour'd to *Bastardize* the Progenitors of his Sovereign, and this many Writers say was the very Case of our Duke *William*, whose Father took his Mother *Arlotte* to Wife afterward.

Vid. Post-
script.
P. 53. 55.

The Donation to *William Rufus* was again clearly *Testimentary*; which might be allowed sure to a Conqueror, whose will only gave what his *Sword* had gotten; but however as I observed above in the *Legatory* Disposition of *Canutus* the Dane, where he gave his conquered Kingdom to his *Youngest*, and *Norway* his *Patern- al* Right to *Swayn* his *Eldest*, to whom 'twas most due; so here this *Third* Conqueror of Old *Britain*, observ'd the same sort of Bequest, and left *Normandy* his *Fathers* Inheritance, and his own to *Robert*, to whom it appertain'd in Reason and Right; both these Instances, no small Demonstration, shewing how the Precedency of Blood even in those days

Westmin-
ster and
Malembs-
bury.
Stow.
p. 124.

Daniel,
says, he ob-
tained it
according
to his Fa-
thers will.
pag. 44.

days obtained; and with *those* too whom our Factious Innovator, would have not to value it; for their giving to any Son besides their *Eldest* what was theirs by *Arms*, is no more than what we our selves do now by *Laws*; and tho the *Fewds* now obtain, and *Entailments*, yet still what's our own by *purchase* is unconfined, and not ty'd to descend by *Primogeniture*; but at an arbitrary Disposition of the Lord and Purchaser, and which is commonly disposed of too by the Father to some of the *Younger* Sons; and a Conqueror that purchases all by *Blood*, and *Wounds*, must needs be allowed as much Liberty, as the Miser that obtains it by his Wealth, or a Land Pedler that buyes his purchase for a Penny.

But tho this might be a warrantable *Donation*, yet you may observe (as if the *donor* had not been in it altogether Just) so it never at all prospered with the *Donee*; the very Gift it self, like *Pandora's* Box, was most fatal to those that received it; a Vice like Virtue is oft a Punishment to it self as that other a reward; the not suffering the Crown to descend by entail; *entailed*

tailed what was worse a *War*, and both Brothers assault the *Testamentary* Usurper at once; as looking upon it notwithstanding the specious pretext of a *Will*, but a plain wrong; and where this prejudiced Historian, makes this *Rufus* to rely on the consent of the Nobles, for the Confirmation of his Fathers Will, 'tis evident he only called them together, that by Largeesses and Corruptions, fair Words, and Promises, he might win them from assisting his Brother *Robert*, whose *Right* he feared, notwithstanding the advantage he had by his Fathers Will might make the Game that he had to play more than even, or give *Robert* the better by their deserting this *Rufus*.

And that notwithstanding all his Artifices they did; and *Odo* Bishop of *Bayeux* leads the dance, and notwithstanding says *Paris*, that he was their crown'd King, their sworn King, and they must be perjur'd for it, they raised a War against their King *William*, and set up *Robert* the *First-Born* for their King, all declaring the *Right* belonged to him, and this the Opinion of several of the Nobility, Lords, Spiritual

Mat. Paris
An. 1088.
last Edition
London.

Verunta-
men po-
stea Nobil-
es fere
omnes,
&c.

tual and Temporal ; Persons alway I fancy qualified to recognise a Right, if Religious or Lay-Judges could decide it ; and so well assured were they of the goodness of the Cause that they conspired for it ; rebelled, and were banisht for it success ; not always attending a good Title, no more than it can Justify a bad. And at the last the most unfortunate end of this Testamentary Prince, may serve somewhat at least to discourage the Religious from invading of a Right, tho it may not the Politician ; and for the Injury he did all along to the Right-Blood, Providence seemed to bring upon his head his own ; and sent that sort of an Usurper too, to the Grave with the fate of Tyrants, not with a common dry Death, but in his own Gore ; and he that had held the Scepter, but with a pretended Right by this disastrous Death, gave an opportunity to a perfect Intruder, that had none at all.

Henry the first, who being in new Forrest when his Brother was killed, did not stay long to consider the disaster, or to get the Carcass Coacht home, instead of Carted, but rides to Winchest-
er

er, seizes the *Treasure* ; and that soon
 helpt him to put on the *Crown* : The
 Purple *Robes* soon followed those *Gold-
 en Regalia*, and the *Power* absolutely
 Usurpt, will irresistibly force a *Corona-
 tion* ; but tho Crown'd as he was, a good
 Author says, who liv'd and wrote then as
 great men then sent for *Robert*, promi-
 sed him his *Right*, and as resolutely
 stood by him too, and well they might
 when he had been *debarred* his *Birth-
 right* once before ; and besides the *Right*
 of *Blood*, had refused his *Assignment*,
 his early *Pension* ; and had *compounded*
 for his own *Kingdom*, which he had so
 much *Title* to *without* the *Composition* ;
 But *Mat. Paris* tells us in the first *Lines*
 of this *Kings* *Life*, that the *Nobility*
 were utterly *Ignorant* what was become
 of this *Robert* *Duke* of *Normandy* ; but
 that when he sent privately to them in
England, Letters alledging his *being* *first*
Born, and that for that very *Reason* he
 declared the *Right* of the *Kingdom* be-
 long'd to him, as soon as they heard
 those *Allegations* of his *unanswerable*
Right, promised him their best *advice*,
 and to lend him their *Assistance* ; which
 they did too, and *Robert* came over,

Florence
 of Worst.

Magnates
 Angliæ ig-
 norabant
 quid act-
 um esset
 de Roberto
 duce Nor-
 mannorum,
 ap. 1100.

F 2

forc't

Ibid. p. 46.
Fidele
Consilium
pariter &
Auxilium
promise-
runt.

Mat. Paris
1106. sen-
tiens Con-
scientiam
Cauteria-
tam, Judi-
cium Dei
formida-
re, &c.

forc't his Brother to a Composition for 3000 Marks yearly, and at least, made the *Usurper* but a *Tributary King*; and all the Argument out of this Reign, that our *Elect* here fetches for his making our *English Monarch* a King of *Poland*, is this *Usurpers* courting the great *Council* to confirm it to his Son; but so would a *Cromwell*, the Parliament for the Succession of his Son *Richard*, and sure such Creatures have need to anticipate all sorts of security for their *Sons* Succession, that have gotten all their *Right* by Anticipation of *another's*, or absolute *wrong*; but the parallel holds still between that ancient *Usurper*, and the more Modern I mention-
ed; they *both* felt their Consciences prick't in their unjust obtaining of a Kingdom, they *both* feared the Judgments of the Almighty, *both* as unhappy in their designed Heirs, one born to be *Drowned*, the other to be a *Fool*; and as their *Fame* stunk above Ground, so did *both* their *Bodies* before they went *under*, and *Paris* tells us the first committed Murder *after* he was Dead, and poysoned his Doctor before they could get him down into the Dust; tho' he smartly

smartly observes this was the last among the many this good King Henry had destroyed.

Ultimus
fuit ex il-
lis quos
Rex Hen-
ricus occi-
dit An.
1136.

The last remark I shall make on this Mans Reign is, but what this malicious Historian has made very Remarkable, and that is from an Author that he cites, for saying that this Robert had discovered too much of the Cruelty of Disposition, of his averfeness to the English Nation, and his proneness to revenge, and this Character must be most Emphatically markt out, that they might not miss of his meaning another Duke; a Prince to whose Valour and Conduct the Wretch owes his Freedom from a Foreign Yoke, and the Nation her safety and security, and so far does his malice transport the Sot that he falsifies for it the very Latin he translates, *Perversus, contrarius et Innaturalis*: He makes cruelty of Disposition, and far Proneness to revenge, not one Syllable in the whole Citation, and then besides the words of the Author he cites are the same *verbatim*, which this Henry the first used against his Brother, when he makes a Speech to his Nobles, to make him odious, from whom this Author I believe

Vid H. de
Knyght C.
8. 2374.

Vid Paris
1107.

borrowed it, and his as meer revgene-
ful malice to the Duke of York, as that
against Robert the Duke.

It is here evident that this Gentle-
mans Principles and Perswasions are
clearly *Democratical*, and writ with a
perfect design to please the *People*, as
plain as if the rabble beast, the Monster
Mobile were seen fawning upon this
KEEPER of their *LIBERTIES*,
and you saw the Sycophant spitting in
its mouth ; his Papers are the very Pi-
cture of this piece, and the Representa-
tion of *Rebellion* with a Pen.

The next that Mounts the Throne
is *STEPHEN*, and the little Right
(tho some) Relation he had to the
Crown, to be sure won't be pass'd by :
when this Author for the sake of his
sinking Cause, has caught at every
Plank to hold up her Head in that de-
perate Condition, and where he could
not meet the least solid *substantial* Ar-
gument, graspt at every empty *Shadow*;
And truly here he tells us, that *STE-
PHEN* *acknowledg'd his Election, in the*
very Words of a Charter, from the People, and
so would any man that had no better
Title ; and tho I shall condemn his
Usur-

Page. 4.

Usurpation, can allow of his Politicks, in letting them know how much he was beholden to them, and yet that *People* were strong enough to pull off his Crown too, which his *own* hands rather had put on; for as Bradshaw told the King, The *People of England* had constituted them a Court, when that unanswerable Martyr observed not half their Consents did concur, or were askt; so also in this Case, many of the Nobility, most of the Commonalty lookt upon it, as a manifest Usurpation; and those whose Concurrence he had, were but an handful of his Friends, and at his Coronation had but three Bishops, few of the Nobility, and not one Abbot, and also, as Historians observe, those very perjur'd Prelates, and Lords came many of them to an ill-end, or else to worse Calamities before their life was ended.

Stow says he was repul-
sed by them of Do-
ver, shur out
by them of Can-
terbu-
ry, and un-
justly took
upon him
the Crown
of Eng-
land.

Malemb.
Eaker.

And the revengeful Cruelties of the Scot lookt somewhat like a Judgment for their Perjury; when they spar'd neither the Gray-Hair, for whom Re-
verence might plead, nor the Tender-In-
fant for whom its Innocence, but Butcher-
ed the one in their Beds, the other on

Mat. Paris in ultionem Imperatricis cui idem Rex Fidelitatem juraverat.
An. 1138.

their *Mothers Breasts*, the Barbarity of those avengers is as horribly describ'd in *Mat. Paris*.

But agen, I cannot see why he was not as much an Invader, as his Grandfather the Conqueror, only that came from *Normandy*, this out of *Boleign*; that was forc't to fight, first with *Harold* an *hardy Foe*; this his Invasion facilitated by the *Weakness* of a Woman; but as *weak* as she was, He knew her Title to be *strong*, and as *strong* as this Author would have him with the People, yet he found himself too *weak*, only with the pretence of his *Election* to defend his *Usurpation*, found an *Army* of *Flemmings* would give him a better Title to the Crown, than all this *Power* of *Parliament* to the Peopledom, and that a *good Garrison* would hold out longer in his defence than our Authors *House of Commons*; and in truth his being so good a *Souldier* would not suffer him to be long a *precarious King*, an *hundred thousand Pound* of the good old Kings *Treasure*, did him *more good* than all their *suffrages*; it brought Men and Arms out of *Britany* and *Flanders*, and built so many *Castles* for those sort of

of Monarch-makers, till the whole Kingdom seemed all over but one CITADEL, and all its Government but an entire Garrison.

Yet as *secure* as he thought himself both in *Subjects* and his *Strength*, the prevalency of *Right* and *Justice* soon encompass him with as many *Dangers*: His Nobility begin to be incensed against him, and that out of a sense of his having *injured an Heir*; The provok't Empress Lands with a strong party, and her presence soon proclaimed the Justice of her Cause, and made that Oath they had swallowed for her, without any Operation or Effect, to *work*, now as *strongly*, a pitched Battle and a fierce one too is fought; his *Souldiers* forsook him at last, as well as his *People*, and he forc't to fight so *desperately*, for a cause that was ever as *desperate*, till himself is taken a Prisoner, by her from whom he took the Crown; and tho she brought a *War* for her *Right*, was received *peaceably*, entered Her Capital City in *Triumph*, and by her *Loyal Londoners* welcom'd with *Acclamation* and *Joy*.

Exarferat
namque
rabies tan-
ta con-
tra eum, ut
pene ab
omnibus
quateretur.
ibid.
Paris.

And

And pray what was the Consequence now of this *debarred Right*, but what always attends it, BLOOD; the *Scots* had with a Savage sort of a *Revenge* shed some for her before, she spilt a great deal before she came to this, and before the ground which had drunk so much Gore could be said to be dry, at *Winchester* 'tis moistened with a fresh supply, and that too with a War of Women; *MATIL'D* the *Queen* invades *Maud* the *Empress*, the worst cause, as it is wont, (prevails best) and here the *Right Heir* is again driven from the enjoyment of her *Right*, by that which commonly does it, the *SWORD*; and then at last after all the various events of *WAR*, which whatever the Fortune be, must still end in the loss of *Lives*; that Just *Astrea* which then too seemed to have left the *Earth*, and upon it nothing but wrong look'd down from *Heaven*; this fierce King in fuller Assembly than in what he was chose, acknowledges that *Hereditary Right* against which he had fought, and *Henry* in the Right of his Mother *Maud* to be the *Lamful Successor*.

Mat. Paris
Justitia
de Cælo
prospici-
ente.

Henrici jus
Hæredita-
rium re-
cognovit,
Paris his
own Words
1153

And

And one would think now this succeeding *Monarch's* Right should have been allowed Hereditary beyond dispute, beyond Contradiction, when so much *Blood* had been spilt in the Defence of it ; when acknowledged so by this Popular Advocates, *own People*, and before them owned too by *him* that had interrupted the *Succession*, and excluded the *Right* and *Lawful* Heir.

But what cannot Malice suggest, or Faction invent ? till this transport against Government ; this rage of *Rebellion* suspends the *calm* Operations of the *Soul*, and the dictates of *common* Sense, till it hurry these blind Pretenders to *verity* into the greatest *falsehoods*, transports them into perfect *Lyes* and *Absurdities*, and to labour even against the Contradictions of *Truth* and *Reason* : Here he still impudently tells us against plain matter of *Fact*, the Confessions of his *own* Creatures the *People*, and the Acknowledgment of his *own* Favourite the *Usurper* ; That in all these Transactions there was no Consideration of any *Right*, but what universal consent conferr'd,

And

And his Exception to our *Henry the Second's* Right must also now result from his Mother *Mawds Title* before ; I am glad we can get him to tolerate any such thing, as *Title* at all ; but I would ask this Gentleman (if he has any thing to dispose of,) whether he might not *cedere de bonis*, as the *Civilians* in another Case Phrase it, only for the letting his Successor and Heir Inherit it, or whether upon such a *Cession*, or making it over, his Son should not succeed into this *Patrimony*, till he had knockt his bountiful Father in the head, or he was pleased to step aside into the *next World*, to let his Successor have more Room in this. I fancy he would be glad such a *Resignation* might pass, without an *Attournment* of his *LIFE* too.

Mand the Empress was sufficiently pleased only with the Succession of her Son, and as Writers say, quitted her Title too, which was apparently acknowledged in letting him succeed. Is the *Mothers Right* ever the *less*, when the Son does succeed in her *Right*, and is there no Difference between *altering a Succession*, and a *refusing to succeed* ?
Matt.

Matt. Paris makes her live thirty years after *Stephen's* Death; time enough to have resent'd her wrong, if she thought she had sustain'd an Interruption of her *Right*, and she must be supposed to be willing to consent to those Conditions of peace, being all concluded with her *privity*, and she having suffered sufficiently with a troublesome *War* in *England*, went over to *Normandy* for *Peace*.

This *Henry* knowing his *Right* to the Crown was resolv'd to secure the same *Right* of *Succession* to his Son; and this very endeavour for a *Lawful* and a *Lineal* discent, does this perverse Author turn into an Argument for *Election*, and because he only call'd his *Barons*, *Bishops* and *Abbots* to let them know he would have him to be secured his *Successor*, by making him a *Copartner* in the Government, and to prevent his being *wronged* after his *Death*, was resolv'd to see him enjoy part of his *Right* in his *Life*; therefore from these fine *Premises* he draws this Illogical Conclusion, that he was *elected* by their Consent, and when from *Gervas* himself whom he Cites it appears, they were by the *Kings* express Command call'd to his *Coronation*,

Vid. Baker

p. 48.

Stow

p. 146

Ad Man-
datum Re-
gis & Patre
jubente.
Paris.
1170.

nation; and *Paris* says 'twas at his Sum-
mons they came to Crown his Son, and
by his *Fathers* own bidding; and if this
solempnity shall make our Crown *Elect-*
ive; since the Conquest we have had
none *Hereditary*, and our Kings must
never suffer any Nobles or Commons
at their Coronation, for fear of such
Perverters making it a *Parliamentary*
choice.

Stow says
the King ex-
pressly caused
him to be
Crowned by
the Bishop
of York,
without
mentioning
any other.

P. 132.
And Baker
says the
same. p. 55.

But if any thing could be condemned
in this unhappy Solicitation for his Sons
security to succeed, 'twas only in making
him a *King* before he came to be a *Suc-*
cessor, by defrauding himself upon a sol-
licitous distrust, of *part* of that *Divine*
Right, when he was by *God* entrusted
with the whole, and making his Son
to Anticipate that by his forwardness,
for which he should have waited the
Almighty's leisure: The Nature of *Mo-*
narchy being inconsistent with a *Duum-*
Virate, *units* may be as well divided;
And the very *Etymon* of the Word
contends for the sole *Soveraignty* it ex-
presses.

Nec Reg-
na socium
ferre pos-
sunt nec
redæ sci-
unt.

And the very sad effects of this con-
tradictory Coronation, were the best
Evidence of its inconsistency, and verifies
the

the Latin *Aphorism* of the *Tragedian*; that the *Crown* cannot admit of a share-er or competitor no more than the *Bed*, the making himself but half *King*, was like to have lost him the *whole Kingdom*, and almost made him *none at all*, they soon animated the young *Monarch* against his *Old Father*, and let him know that 'twas *absurd for any one to be called a King*, and to have nothing of *Government* that is *essential* to it in the *Kingdom*.

Incongruum Regem quemlibet esse, & Dominationem debitam in Regno non habere. *Mat. p. vit. H.2.*

Daniel calls it the *making the Commonwealth a Monster with two Heads* (and what then must it be with *many*;) but withal tells us 'twas only the effect of jealousy that this *King* feared from his *Mother's Example*, and that some of his *false Subjects* might also break all Oaths of Fealty to his *Son*, (as well as this perjur'd Author has that of his Allegiance to his *Sovereign*;) and I believe this alone made this *King* so carefully *Præcipitous*, as to prevent the *Expiration* of his *Reign*, with an *Anticipation* of the *Grave*, and a *Resignation* of his *Rule*, with a **POLITICAL DEATH**; for this *Crown'd Son* was soon by *LEWIS* of *France* embolden'd to that insolency
from

from having the *half*, that in plain Terms he demanded the *whole*, and what the too bountiful *Father* had no Reason to grant by *fair* means, the ungrateful Son resolves to obtain by *foul*, sides with the King of *France*, and many of the divided Kingdom with *Him*, and are all in Arms ready for Ruin and Destruction; neither did they lie down their Swords, till it ended as all Alterations in a *Monarchy*, in *BLOOD*, and the *Coparcenary* King shortly after, his *Life*; but a little before reconciled to his too provident *Father*.

I am sure this shows even the *Participation* of the Royal Power dangerous, tho by those that had *Right* to Succession; and if such an *Alteration* in the Government can prove so fatal, much more then an altering the *Succession* it self, and if a *Crown* can't like a common Conveyance with safety be made over in trust; I dare say 'twill be less secure to cut off entail.

The next Reign that we have Reason to reply upon, is that of *Richard* the First, and with that his irrational Inferences have dealt as *unreasonably*; for he there
by

by his own Confession has no other Authority for his *Election* (as his own words have it) but the words of his Historian, and yet this very Historian, whom he there most impudently traduces and abuses, acknowledges his *Hereditary Right* to the Crown; by which he was to be promoted; before ever he tells you of the solemn *Election* of the People; which beyond contradiction confirms what the Worthy Dr. B. has as significantly suggested, that the common acceptance of *Election* amongst ancient Authors, imply'd nothing less than what our factious insinulators apply it to, and that they meant nothing else but *Confirmation* or *Acknowledgment*; for first, would such a *Learned* Authority as he cites, only labour under a *learned* Contradiction; and tell you such an one was promoted for his *Hereditary Right*, and then in the very subsequent words declare it was by *solemn Election*. Certainly such *Immortal* Authors could never wage with Sense and Reason a *Mortal* War; and he himself is so favourable to their pious Memory, as to omit all the seeming Contradiction, because not reconcileable to his prejudic'd

R. de Dæ
to bequestes
tho it should
be de Dice-
to, who offici-
ciated at
his Coro-
nation,
Heredita-
rio jure
promo-
vendus,
are his
words be-
fore.

dic'd Interpretation: and when Historians tell you of any thing of *Election*, (which he would have popular,) be sure he omits what ever they say of *Hereditary Succession* before; so has he done here: so in most of the Citations elsewhere.

And next also he tells us, that *his Father* had gotten the *Succession* confirm'd to him in *his Life*. Of which many of our modern Historians are *totally silent*, and afterwards that he was again *Elected* by the *People*, of which in his sense, none *truly speak*: nether is it reconcilable how they shou'd *twice* solemnly choose him for their King, when even in *Poland* it self *once* will serve: but besides, before his *Solemn Coronation*, (or as he wou'd have it) his *popular Election*, immediately after his Fathers Funeral; without doubt upon the consideration of his *Hereditary Right*, he exercised as he might well do, and as has been since *resolv'd* any King of ours may, an *absolute Power* of a King before this *Solemn Ceremony* of *Coronation*; for presently he seizes upon his Fathers *Treasure* in *France*, Imprisons, Fetters, Manacles the late Kings Treasurer to extort

Watson
and Clarks
Case 1 Jacob.

Vid.
Daniel. ex-
igit castel-
la & The-
sauros pa-
tris sui quos
habebat;

tort the uttermost penny. I think such a severe sort of absoluteness, as they wou'd not now allow our *Crowned King*: He is there girt by the Arch-Bishop with a Sword; takes fealty both of Clergy and Lay; makes a Truce with the King of *France*, and all this before ever he came into *England* to be Crown'd or *Elected*.

Says Paris, and has not one word of his Election, but only Coronation;

And shou'd we yield to this perverse Imposture, the signification of his word for which he has so long labour'd, yet all this while we find his very *People* more willing to *Elect* him that had an *Hereditary Right*, than a *spurious* Invader that had *none* at at *all*, and did actually Confirm him in his Succession: unless the more powerful Usurper terrifi'd them from their Loyal Intentions, and truly the mistaken Gentleman might have as well prov'd that he was the *third* time *Elected* too; when after his Imprisonment that he suffer'd from *Henry* the Sixth, the German Emperor, after he came home, and had held a Parliament at *Nottingham*, he was again recognis'd for their King, and Crown'd at *Winchester*.

But what can be better Evidence of

G 2

the

Constituit
Archurum
Hæredem
suam legi-
timum si
sine hære-
de more-
retur. Paris
in vit. R.

the precedency that was allow'd to the nearest of blood in a *Lineal Descent*, then this Prince's Care he took in appointing his Nephew *Arthur* to Succeed him, tho he had a Brother of his own, to whom he had shown a liberal largess of his Love when he began to Reign, in bestowing on him no less than half a dozen Earldoms, a good part of his Kingdom: Certainly this Earl *John* was nearer to him in *Blood* and *Affection*, and then what cou'd move him to this *Testamentary* Disposition, but the more nearness of the other to the *Kingdom* and the *Crown*?

But in spite of all Adoption and Right, *JOHN* as great an Usurper as any, laid hold of the Scepter and held it too, only as some of our Tenures in Law, by *primer occupancy*; he had his Brothers Army in the field, and that was then enough to have made a *King* of a *Cromwel* or a *Hewson*, a *Brewer* or a *Cobler*, powerful *Arms* that silence any *Law*. But still the Nobility were for maintaining the Right of Succession in *Arthur*, and as they call'd it the usual Custom of *Inheritance*; most of his Provinces in *France* stood firm to him, and

Vid. Dan.
p. 108.
Baker &
Stow, say
Arthur,
actually
did homage
to France
as King of
England.

and so did the King of it; and had Fortune *favor'd* him, upon whom for the most part it *frowns* the *justest* pretender, he had not been made a *Prisoner* to his Uncle, to whom he was a *King*; and been *murder'd* by him after the Siege of *Mirabel*. But the Barons rebellious Insurrection soon aveng'd the Barbarous Butchery, and but *bloody* consequences here too attended the *Debar'd Right*. He is forsaken of all his People; and the French Kings Son a perfect Forreigner invited in for a King; and his end at the last as unnatural, as the death he gave to his Nephew.

And here upon the Coronation of this intruding King *John*, the factious Historian rehearſes the Clatſe of *Hubert* the Biſhop of *Canterbury's* Speech, that declar'd the *right* to the *Crown* to conſiſt only in the *Election* of the *People*; but diſingenuouſly omits the very reaſon of the ſelf ſame Prelate; who when he was pinch't with the Interrogatory why he would preach up ſuch pernicious Principles, own'd it more a *Deſign* of Policy, than the *Senſe* of his *Soul*. But to give him a perfect *Rowland* for his *Oliver*, he will find in

Vid. Paris
Edit. Lon.
vita John.

the Life of *Richard* the Second, a better Bishop, making of a more Divine Speech; and asserting the Right of Succession more strenuously than ever this designing Metropolitan was able to confute. But that worthy Prelates Doctrine did no way countenance our Authors seditious Observations; and so directly different from his *Huberts* Harangue, that he might well pass it by without reading, and which must certainly have baffl'd him into Blushes to have read.

Vid. Baker
& Trussel.
vita Rich.
II. Bishop
Carlisle's
Speech.

Henry the Third, a Prince too young to know his Right, much less to be able himself to take Possession of it; was presently upon his Fathers Death Crown'd King. Certainly upon the Consideration of his Hereditary Right, or the Testamentary Donation of his Father, whom *Paris* says he appointed his Heir as his First-born; made the Kingdom swear Fidelity to him, sent his Mandatory Letter under the Authority of his Great-Seal, to the Sheriffs of the Counties, to the Keepers of his Castles, that they shou'd all be intent upon the Business; and upon his death they shou'd themselves as ready to perform

M. Paris
vit. Joha.
ad finem:
primo-
genitum
suum reg-
ni consti-
tuens He-
redem.

form it ; and what can the most factious Pen make more of *this* than an *Acknowledgment of Hereditary Right* ; especially when the same Author in the beginning of the young Kings Reign says ; they only came together, to *Exalt* him to the Throne of his Father ; and not one word of their *Suffrages* or *Election* : therefore what could not be proved from matter of *Fact*, must be suggested with an *Innuendo* ; and because the good Earl *Marshal* in a perswasive Speech exhorted them to *adhere* to their lawful Sovereign, it imply'd the *Consent* of the *People* requir'd : if such an *Assent* shall make the Kingdom *Elective*, 'twill be hard to prove any *Hereditary* ; for all people that do not actually *Rebel* and *Oppose*, must in that sense be said to *Consent* and *Elect* ; and when ever our Kings are Crown'd, 'tis so far with the *Consent* of the people, that they do not *interrupt* the Coronation. But can he prove in any of his pretended *Elections*, much less here, that ever in *England* they balloted for the Crown, or drew Lots for the Kingdom ; that they had ever any certain number of *Electors* as in *Germany*, or carried it by *Majority*

Regnumq;
Angliaz il-
li jurare
fecit, Li-
teras cum
sigillo suo
munitas
ad vice-co-
mites &
castellanos
dixit ut
singuli ef-
sent in-
tendentes,
& idem M.
P. princip.
vit. Men. 3.
sic.
Defuncto
Johanne
convene-
runt ut
Henricam
exaltarent.

city of Suffrages as in Poland; tho I be-
lieve some of them would make no more
of his Majesty than a *Bourrough* Represent-
ative, or a County Knight, and Scared
allow him the Freedom of a *Pole*.

But with what face can he urge it
here, when the whole drift of *Pembroke's*
Oration was only to satisfy them the Suc-
cession belong'd to the Son, and that the
French Usurper *Lewis* would be the ruin
of the *Realm*; which Speech was so ef-
fectual too; that several of the Principal
of the *Barons* notwithstanding that open
hatred to his Father, in spite of Ob-
ligation of an Oath to *Lewis*, they still
thought their Loyalty, and Allegiance
more obliging, and revolt from the
French man: till all at last, deserted
of all, he abjures his claim and the King-
dom together. After he had been first
routed by *Eand* at *Lincoln* by *Pembroke*
the *Protector*, and his fresh supplies at

Vid Matt.
Paris, who
told him
that if his
Master was
dead he had
left Sons
and Daugh-
ters alive.

Sea near *Dover*, by *Hubert* the *Gouver-
neur*. And the bold Speech of that stout
Souldiers, to this powerful Prince, when
he demanded *Doubt* of the Death of
King John, was a better Evidence what
sense the people had of a *Lawful* Success-
son, than he from the *Marshals* can e-
vince

vinced that he succeeded by *Election* and against the *Laws* of Descent; and all that he can pertinently draw from the Protector's Oration, is, that an Infant King did not speak for himself.

But if ought be a blot in his Succession, 'tis what this prejudiced Historian I am sure does not care to Hit, and that is the weakness of his *Fathers* Title that forc't him to strengthen his Sons with a *Donation*: And *Elenor* the Sister of his Cousen *Arthur* who had a *Stronger* right, did not dye in five and twenty years after he came to the Crown, and was kept continually to her dying day in a close Confinement; so strong a tide was the proximity of *Blood* thought then, even by those that were the perverters of its Channel; that it would bear all the force of its foes before it, unless Bay'd back by as much force and violence; and we have found in some of our own Reigns, even that too little, a well guarded Prison, too weak to hold a *Legitimate Prince*, and that from thence too they have Mounted the Throne.

Paris
1241. In
clausurâ
Diurna
Carceris
sub archa
Custodia
reservata.

To the Succession of his Son *Edward* the first, one would have thought all his diligent malice or the Devils could never

never have afforded an Objection; for it seems he can't find so much as his own old deat word *Elected*, here amongst his abus'd Autliors; but another *False* suggestion must supply the defect: And where his *Trope* of Inversion can't pervert the *Truth*, another part of *Rbetorick* must serve the Turn; *Invention*, and a *Lye*: for so is that which he would have us believe, that his *Second* Brother *Edmund* was the *First*; (And truly I believe he could Invert the Course of *Nature* too as well as *Blood*, would it serve his turn;) and this we must take for unquestion'd Authority from the pretensions of the House of *Lancaster* that descended from *him*, and say he was only rejected for his Deformity; truly were there nothing to refute it but only their pretentions, the prejudice and partiality of the *Pretenders* were sufficient to render it suspected; which *aspiring Line* Labour'd as much in its *Genealogy*, as ever any *Welsh* Gentleman in his *Pedigree*: But the best of it is, matter of *Fact* contradicts it, *Historians* deny it, and none but *himself* would assert it. It Appears from *Paris* that this primitive *Lancastrian* was no less than *Six* years younger. And he an Author that

M. Paris
Edward
natus. An.
1239. Ed.
mund An.
1246.

Liv'd

Liv'd in the same Reign and resided in the very same Court, and says that the Londoners swore Allegiance to the First-born Edward but a year old, and then before the Second was so much as born. And for his deformity that he only gathers from the shallower Argument of his Name being *Crouch-back*, which as Baker observes, was rather from his wearing a *Cross* upon his *Back*, and this I look upon as better Authority than *Buck's* in the accomplishment and polishing of *Richard* the third, and the cleering of him from his crookedness; and yet I believe our good Natur'd Historian will readily credit that, because spoken in commendation of a Usurper, a Tyrant, and a Murderer; and one that came to the Crown, as he will have it, by the consent of the *People*, tho' this of ours must by no means be believed, because it no way makes for his purpose.

The last was but little, and now the next Reign is as much for the Gentleman's purpose, and that's a *Rebellion* of a *Parliament*, an actual *Deposition* of the present King, and the *Murdering* of his Sovereign, and of that, he makes as good use too, as if he design-

Stow, says
Edw. born
24 year of
his Reign.
Edm. in 29,
So Daniel
says &c
Baker:
Fecit Iura-
re Fidelita-
tem & Lige-
antiam Ed-
wardo pri-
mogenito,
suo, Paris
An. 1240.
Vid. Bisp.
Carlisle
speech,
Rich. 2d. in
Baker or
Trussell,
who says he
was neither
Elder or
deform'd.

designed not only to transmit it with his Papers to posterity ; but with his Pen for the present Age to transcribe it into Practice, and what the Devil himself would have condemned in an History ; has this Impious Wretch made a damnable President : It must be his Design, from the Season of its Publication, from the Proceedings of his *Parliament*, and from the subsequent Discoveries, the whole piece was nothing else in every Paragraph, but a Vindication of the *Parliaments* Power over Kings, and here in this he has made the Deposition of his King, like their ordinary Proceedings warrantable by President ; why did he not tell them too, *Painted Chamber* Monday the 29. ordered a warrant be drawn for Executing the King in the open Street before White-Hall. *Str Arthur Hallerig Reports from the Committee*, that Charles and James Stewart, Sons of the late King should dye without Mercy wheresoever they should be found.

Vid. Their own Journal Book Fol. 116.

ibid. March. 1648

And he had certainly brought down his History to this too had the Times been but black enough to bear it ; for the subsequent sacrificing of *Richard the Second* is as much his popular *Theam*, his

his *Power of Parliaments*, and his *Election* of the *People* : He tells them their *Ancestors* were weary of this *Kings Irregular* and *Arbitrary Government*, and the malicious Wretch found some of their present *Posterity*, as uneasy under a mild, and merciful *Reign*; he tells them their *Parliament* publickly read a *Paper* containing *Instances* of the *Kings Misgovernment*, and concluded that he was unworthy to *Reign* any longer, and ought to be *deposed*, and sent to him to renounce his *Crown and Dignity*, otherwise they would proceed, (that is, to do it for him;) but I think his piece was overseen, that it did not tell them too of another *Paper* as *Bernardiston* told them at the *Bar*, that was talkt of in *Parliament*, about too, *The Encroachments and Usurpation of Arbitrary Power*, of following such *Orders* as shall from *Time to Time* be received from this *present Parliament*, or the *Major* part of the *Members*, when it shall be *Prorogu'd* or *Dissolved*, and obey such *Officers* as they shall set over us,

Vid. pag. 6.
of the brief
History of
Succession.

Vid. Pro-
ceedings at
the Old-
Bayly.

Certainly his making this unfortunate *Edward's Deposition* a *Parliamentary* Pre-

Vid. Dr. B.
History,
Fol. 20.

President has unmaskt our Treasons Historiographer, superseded even with men but of common Sense his designed Impositions, registred himself an inveterate Traytor with his own hand, and Chronicl'd his lasting Treason to Posterity, which will blush at the reading of those Villanous Insinuations, which his most Licentious Pen could Publish without; 'twas then in that Kings Reign too, as appears in their Ordinances they made, the Tumultuous and Rebellious *Barons*; (for the *Commons* were then not so considerable as to raise a Rebellion,) upon the Pretence of Gods Honour and the Church; the Honour of the King and his Realm; made Confederacies to remove *evil Councellers*, reform the Court, and to force the King to let them name all the Judges of the Bench, and the chief Officers of the Crown; how near they then agreed with some of our late Transactions, and how well those have been copy'd since, I need not observe. And that the *Narrative* the Author of this piece presents to the *Parliament* was offered only for the Designs I have suggested, appears also from this Instance, being no way pertinent, to
what

what ought to be the right purport of his History, whose Subject should have been but of Succession; But that he found was not to be disputed here in this Reign, it being Hereditary beyond Contradiction, and 'tis now an unanswerable Confirmation that those who are so much for *altering* the descent of the Crown, are as much for the *deposing* of him that wears it; 'tis now an attested *Truth* under their own hands, and they must give themselves the *Lye* to confute it.

But whatever were the pardonable faults of this unhappy Prince, tho our Law say, A King can have none, much less be punisht for it, when he *can do no wrong*: The greatest that Daniel condemns was his mighty favouring of his Minions, *Gaveston* and *Spencer's*, in Opposition to his Barons, (*and must it be criminal to a King to have a Friend?*) But however in his History calls it the *first Example of a deposed Prince, no less dishonourable to the State than to him*; *Stow* calls the Bishop of Hereford, that then was busied in the Resignation, but a *Mischievous Ambassador*; and pray what was the Fate of those that were

the

4 El. 246.
Braffen
Lib. 1.
Chap. 2.

Daniel p.
184.

Stow p.
225.

the first Leaders of the Rebellion, and the most mutinous. The mighty Duke of *Lancaster* was by his own Peers condemned to be Hang'd and Quartered, and was only Beheaded, and several Barons besides, and afterward *Mortimer* the Queens own Minion and Favourite, was impeached in Parliament of *Edward* the Third, for making Dissention between the late King and Queen; for murdering of his Sovereign, and accordingly was drawn, Hanged and Quartered for it with several of his *Adherents*.

Vid. Rot.
Parliament 50.
cited p.
Dr. B.

Vid. Stow
224.

But as Unanimous and as Clamorous as they *seemed for his Deposition*, the greatest Contenders for it as some of our Historians affirm, lamented it with regret when it was done, and *Stow* tells us, that when the Queen understood her Son was Elected, she *seemed to be full of sorrow, as it were almost out of her Wits*, and the Son lamented too, and swore, *that against his Fathers Will, he would never take the Crown*.

And after all, what succeeded this most unjust Deprivation and Imprisonment of a King but what still is its immediate subsequent, the *Barbarous Mur-*

Murder ; this was verified in the following fate of King *Richard*, this was the unfortunate Consequence of our late confined Martyr ; *Mattrevers Iron* soon followed the *firsts* Imprisonment in *Corfe* and *Berkley Castle* ; *Exton's Poll-ax* as quickly dispatcht the *Second* at *Pomfret*, and the *Block* at *White-Hall* too soon attended the Confinements of the last Martyr in *Carisbrook* and *Holmby*, confirming even with his last breath, and verifying in his latest Blood this too fatal Aphorism ; that a *Death* soon follows the *Deprivation* of a *King*, and that there is, (in his own words) *but a little distance between the Prisons, and the Graves of Princes.*

Vid. Eikon Basil:

And now the next that enters this Theater Royal, is *Edward the Third*, a Son too forward to accept of a Crown, before 'twas his due ; But notwithstanding this Rebellious Instance he hath given, not so *formally chosen*, as to make the Kingdom *Elective*, for their very chusing of his *Son*, and that the *Eldest*, insinuates that in spight of their obstinate disobedience, their resolute Rebellion, they were still toucht with a sense of right, and priviledge of *Primo-*

H *geniture*;

geniture, and the small remainders of Majesty, the bare Right they had, left him, and them so far, as to think it necessary to palliate their too open villanies, with the formality of a *Resignation*, neither would the Son accept it, neither was he proclaimed, or Crown'd, till his *Father* had *resigned*; and let the bold audacious force they used for it; lie at their Door that vindicate it; his *resigning* entitled his Son, and he had a sort of Right in Civil Law besides Hereditary, *pro derelicto*.

Brief History
p. 6.

Here 'tis pretty remarkable, the fine sort of Observation he makes on the Bishop of *Canterbury's* Text; *vox Populi*, that it was the voice of the Almighty too, and impiously upbraids the sacred Dust of their own Martyred *Lawd*; for placing a *Divine* Right in *Kings*, when some of his Predecessors had so well lodged it in the *People*; but did not the *Impudence* of his *Brow* almost exceed the *villany* of his *Heart*, his *Conscience* as hard as his *Fors-Head*, or both; he could never thus *inhumanely* reflect on him, whom they *butchered* too, as *barbarously*, and that with such a Reflection, that flies in his own Face, when the very Opposers

them; but rid upon the *very backs* of Princes, and that only because the poor People were so *Priest-ridden*; would he have had that *Popish Prelate* preach to them the *Kings Supremacy*, told them he was not to be toucht, because *jure divino*; when themselves make it the Doctrin of their Church to dethrone them; certainly such Sycophants dissemble when they cry up the *Reformation*, that rely so much upon the Religion of those times *before* they were *Reform'd*.

Principes
Regni ha-
bito Con-
cilio apud
Westm.
Pol. Virg.
Lib. 5.

The Bishop, as he thinks, having now pretty well asserted the *Peoples supremacy* by making them *Divine*; he brings in as prettily *Polidore Virgil*, proving them to be all *Princes*, so that we have now but one *Subjeſt* left, and that's the *King*; but by his leave the Governments bark must be *wrackt* in a *Rebellion* and a *storm*, before they can come to Reign like so many *Trincaloes* in the *Tempest*: The Gentleman sure read *Shakespear* instead of *Virgil*, and thinks our life *enchanted* too; but to be serious in matters of *Blood*, and *Right*, and that when both *Royal*, could any Person of sober sense be so simply sollicitous

tous, as from an Author foreign, unknowing our Constitutions, calling some of our Subjects *Principes* to suggest their *Supremacy*, their *Superiority*; we know as well as he, what he means by it, or what he *must* mean, that they were some of the *chief* of the Realm, and will that make them *Rulers* too: the Latin Idiom sometimes applies the word *Princeps*, to subordinate supremacy, as well as to those that are *sole* Supreme: But even the Authority that he cites for this silly Suggestion, and others; *P. Virgil* himself is sufficiently secluded from being Authentick by Sir *Henry Savill*.

*In's Epistle
to Queen
Eliz.*

The next Factious Insinuation that follows, is that *John De Gaunt*, this *Edward* the Thirds *fourth* Son; but the *Eldest* surviving, disputed the Succession: But this, as a Learned, and Loyal Author observes, so far from Truth, that he was at the latter end of his Fathers Life, made Lieutenant of the Realm, and Protector of it, during *Richard* his Minority; certainly had his Competition come in Question, they would have been but *dangerous Trusts*, and against the Laws of all Nations and

Instit. Lib.
 1. Tit. 26.
 de suspect-
 is Tutori-
 bus.
 Cokes
 1 Institi.
 sect. 108.
 Daniel p.
 217.

our own ; for the Civil takes sufficient Care for the removing of all suspected Tutors, and our Common ordained upon the Lord's loosing his ward, for disparagement, that the wardship of the Heir should never go to the nearest of kin, but to the next to whom the Inheritance cannot descend : *Daniel* says King *Edward*, purposely to prevent the disorder, and mischiefs that attend the disordering Succession, settled the same in Parliament on *Richard*, lest *John* of *Lancaster* should supplant him as Earl *John* had done his Nephew *Arthur*, and this disingenuous Creature perverts the fear of Supplantation into a dispute of the Succession ; and *Stow* tells us of nothing but his being made Prince of *Wales* on his Brothers Death : But this Uncle proved a better Keeper of the King in his Protectorate, than this *John* or *Richard* the Third, had but the Poor Princes Subjects kept their Faith too, and not given our perjured Author another Instance for the renouncing his Allegiance, and a second president for the deposing of his King.

And

And here since this Historian has already cited two or three *Popish* Archbishops, for the Countenancing of his *Puritanism*, and the Doctrine of *Bellarmin* for the Counterpart of *Buchanan*, conspiring in a perfect Harmony for the *Deposition* of their Kings, and their *Murder*; I'll tell him of another *Canterbury* too; that *blew the Trumpet* to the *dethroning* of the next King, and the *sacrificing* of his *Sovereign* upon that *Altar* of his *Lips*. For the first thing that the first Usurper attempted, that aspiring Prince when he landed, was the causing of *Arundel*, then the *Metropolitan*, to preach down King *Richard*; the Prelate had ready a Bull procured from *Rome*, promising Remission of Sins to all those that should aid the said *Henry*, and after their death to be placed in *Paradice*; which preaching as our Author says, moved many to cleave to the Duke: but this *Popish Puritan* knows our Bishops and Divines since the Reformation have taught him better Doctrine; and he licks up the *very Poyson* of his *deadly Foes*, only to spit the *venom*, in the Face of the Government.

Stow p.
320.

H 4

But

But with what face can he tell us of a *Parliament*, here drawing up a Form of Resignation; which was just as much a *Parliament* as their late *Major part of Members* that were to be obey'd in their *Association*: An *Invader*, *Usurper* and a banisht *Subject* takes upon him in the name of his *Sovereign* to *Summon* it; and so did our late *Rebels*, fight and fire at his Majesty: but still with his own good Leave and Authority, this *Convok't* that *Parliament*, as *Cromwel* *secluded* his, with an *Army* at his heels; only those had secured their King in the *Tower*, these in the *Isle of Wight*; and shall these their *Journals* of *Rebellion*, make up a *Book of Presidents*? Is such a fellow fit to breath under a *mild Government*, that calls for *Blood*; where there is so much *Mercy*? that *Recommends* to your reading an *Impeachment* of his *King*, and refers you to the *Charge*, and *Articles* that were drawn up for his *Deposition*, as a *worthy Subject* and well deserving to be read: Why did he not tell us too as well deserving to be *imitated*, Jan. 20, 48. The *Sollicitor Cook* presented the *Charge* against CHARLES STEWART Engroft, ordered

Brief History
Page 7.

dered that it be returned to him to be exhibited.

Preposterous Lump of Law and Logick revers'd! that prints himself the Contradiction to common Equity and Reason; can such a Body Politick justly convene it self, only to Rebel against its head, and to take away that Breath from whence it needs must have its being; and can those Laws be made to conspire his Death, from whom themselves acknowledge they receive their Life?

But as to the matter of Fact it self, you shall see what Sence some of the Times had of it: The King of France was so sensible of this Injurious Proceeding, that it ran him into a fit of Frenzy; Richard being related to him by the Marriage of his Daughter, he acquaints his Lords with his Resolution of Revenge; and they shew'd themselves as ready to take it too, but were prevented here in England, by their taking away his Life; which made them desist, not able to serve him after his Death. This is but an Evidence how the Villany was resented abroad, and you may find they were as much up-

It is a Maxim in Law Rex est Principium Caput, & Finit Parliamenti.

Vid. Bracton Lib. 1. C. 2. Leges Anglicane Regum Authoritate jubent.

22. E. 3. 6. Resolved the King makes Laws by the Assent of Lords and Commons.

upbraided with it at home, and that to their very face, when a Parliament was sitting, and their Usurper on the Throne, by the Loyal Prelate of *Carlisle*; whose Memory may it live as long as Loyalty can flourish, or our Annals last: so solid and unanswerable were the Suggestions, so significant the Sense of this pious Soul, that it silenc'd all the Senate that was sitting; and nothing but the prospect of some private or publick Favor and Preferment hindred their Conviction: their King was cool enough in prosecuting of his bold Truths, being scarce warm in his own Government; yet at last upon Debate, and Consultation; they confin'd the bold Bishop for a while, for the Liberty that he took; and could only condemn his bold Indiscretion for shewing them so much the badness of their Cause.

Hollinshed tells us this poor Prince was most unthankfully us'd of his Subjects. In no Kings days were the Commons in greater Wealth, or the Nobility more cherish'd: how near some of our pamper'd Jesurans that are fatten'd to rebel; confirm the danger of too much Luxury and ease; the present fears from their

Vide Baker and Trusell agree in the same of the Bishops Speech

3d. Vol.
Chron.
f. 508.

their experienced Attempts can best attest. But the fatality that befel that unhappy Prince, affords us the best politicks for the prevention of the like Fate.

And now for his *Henry the Fourth*, he is forc't to falsifie for his depending on the *Parliament's* choice, when in that was his *least* Relyance; for as little as he makes of his claim from *Henry the Third*, it is apparent from some Rolls of Parliament, that he challenged the Realm upon *that* account, and the Lords were interrogated what they thought of *that* claim? upon which without delay they consented he should Reign, and as another Evidence of his Right to Rule, shewed them the Seal of King *Richard* as a Signification of his *Will* that he should succeed him; but that which for ought I see he lay his greatest weight upon, was but what all *Usurpers* must *most* relie on, the *Sword*, and he himself assures them just after the Sermon was ended, at the time they consented to be his Subjects, that he would take no advantage against any Man's Estate, as *coming in by Conquest*, and *Conquest* is one of the *first* claims he puts

I. H. 4. 12.
52.
Vid. Dr. B.
P. 25.

Haward p.
68.
Baker p.
154.

puts in at his Coronation, and as *Haward* relates it in his Life, not the *least* mention of his being *elected* is there mingled with his Claim.

But neither did the success of a prosperous *Wickedness* Countenance this Usurpation; for he was soon made sensible that a Crown seldom fits *ease* on that Head, where it has so little *Right* to sit, and indeed before it could be well *settled*, his Lords conspired against him at *Westminster*, set up *Mandlin* the Counterfeit, send to the King of *France* for assistance; *Glendour* stirrs up the *Welsh* to rebel; the *Nobility* fell from him, drew up the following Articles against himself, *viz.* for having *Articled* himself against his *Sovereign*; for having falsified his Oath in meddling with the Kingdom and the Crown, for taking *Arms* against his *King*, *Imprisoning*, *Murdering* Him; that he unjustly kept the Crown from the Earl of *March*, to whom of *Right* it belonged, and *vowed* the *Restoration* of *Him*, and *His Destruction*; and our Author now shall know these too are Articles as *well* deserving to be read, and one thing more that *deserves* as much Observation; that this his good *Peoples Election*,

Vid. Baker
161.

Election, was the prime Principal Cause of losing of Millions of Lives, and an Ocean of Blood ; here entred that Line of Lancaster that had almost left the Nation Childless ; the Nobility and Gentry that escap'd the Sword, were still by the prevailing Party chopt off or gibbited, and in the space of about thirty year and somewhat upwards, they dreined more Blood in England, then e're was spent in the Conquest of France, or would have been spilt had it been again attempted, and that too never have been lost by their Henry the Sixth, had it not been for an altered Succession, and an injured Heir, and the Bloody Consequences of a debarr'd Right.

And now at last, he is forc't to allow an instance of a Prince, that succeeded without the least shadow of *Election* ; and that in Henry the Fifth, to whom himself owns they swore Allegiance without staying for his being declared ; we are obliged to him for this fair Concession ; but this Kindness is only because he finds it as clear as a Postulatum in the Mathematicks, beyond his own Impudence to contradict ; but however, he must maliciously observe that

Notwith-
standing all
these
claims
Speed says
he at his
Death own-
ed he had
no Right to
the Crown,
Speed
Lib. 9.
Chap. 14.
Philip De.
Comines
which
wrote then,
says to his
Rememb-
rance 80. of
Blood Roy-
al dy'd.
If they long
for the
draught of
Slaughter
and Blood
that follow-
ed this their
Election
of the Line
of Lancast-
er, then look
upon the la-
mentable
List at the
end of
Trussel.

that it was a thing *strange*, and without *President*, and why so? because his *Polidore* tells him, such an extraordinary *Kindness* was never shown to any King before; 'tis strange that his *Italian* should understand more of our own Government, than all our own *English* Authors; 'tis no wonder sure, if he that was a *Stranger* to our Affairs, should Write as *strangely* of it, and make our *Mighty Monarchs* of Britain, no more then some petty Prince of his own *Italy*, and as *Elective* as their *Duke* of *Venice*: But this perverse Gentleman shall know it was not without *President*, and that by several Instances.

And first *Richard* the First presently on his Fathers Death without *staying* for their suffrages, seized on his Father's Treasure, was girt with the Sword of the Dutchy of *Normandy*, took fealty both of Clergy and Lay, and exercised all the Authority that Sovereign power cou'd allow before he came to be *recogniz'd* by their Suffrages, or to his Coronation.

Vide Daniel.

2. *Hoveden's* Account that he gives of King *John's* coming to the Crown, which as some Writers say, is the best extant,

extant, says they swore Fealty to him when he was out of *England*, without mentioning any thing of *preceding Election*; and he had his better Title, his Brothers Army then in the field; by which he cou'd have made himself soon their King, had they not been so ready to receive him.

3. Upon the Death of *Henry* the 3^d. the States Assembled at the *New-Temple*, and proclaimed his Son *Edward* King: when they knew not whether he was living or dead; swear Fealty to him, and cause a New-Seal to be made. Here sure are some presidents of Allegiance before their Election, unless he'll make *Declaring* or *Proclaiming* to be so; and then in Gods Name in that sense, let them as he contends for be *Elected*; for I think all will allow they are *proclaim'd*. But suppose on the death of a Predecessor there was no convention of any of the *Nobility* or *Commonalty*; for Parliaments they then can have no *Existence* when the *Breath* is gone that gave them *Being*; as all other *Communities*, are *de facto* dissolv'd. If, I say, there were none met to *Declare* or *Proclaim* his Successor; must

Daniel,

Vid 4 part
In Stat. 46.
and Jen-
kins Lex
Terraz. p.
7.

must the common *Maxim* be contradicted and the *King* dye too, for want of their *Popular Breath* to give him *Life* ? or do our Laws admit that this interval between his *Predecessors* expiration and the proclaiming or crowning his *Successor* shall be call'd an *Inter-regnum* ? they know the Constitutions of our Government admit no more of *this* than an *Exclusion*. They know that immediately by Descent King *James* was declar'd to be completely and absolutely King, and that by all the Judges of the *Kingdom*. I know the Kings Successor is always immediately proclaim'd upon his death ; and that perhaps is more for the proceedings of judicial Processes ; and that Writs may presently run in his name : But were such a Proclamation obstructed, I am satisfi'd he commenc'd an *absolute King* upon the very *Minute* of his Predecessors Expiration ; and if the Law Maxim won't allow an *Heres viventis* ; there can be no Heir at all, if he begin not to be so presently upon his Predecessors *Death* ; and for an Evidence of *Fact*, as well as *Reason*, this very King of whom we now treat, caught at the *Crown*, while

1 Jacobi
Watson &
Clark.
Vid, also
Calvins
Case,
Tokes
Rept. part
7.

while his Father was *catching* at his *last* breath; seised it as his own, as being his Right as soon as the gasping *Monarch* did but seem dead, who only reviv'd to let him know how *little* that *Right* was by which he claim'd, and so sealed the *wrong* he had done with his last breath, the Successor declaring his *own* *Sword* should maintain what his *Fathers* had got.

Vid. Baker
166. and
Trussel.
In fine vit.
Hen. 4.

Immediately upon this *Henry* the *Fifth's* Death, his Son *Henry* the *Sixth* succeeded: This Author himself can talk of nothing of *Election* here neither, but that he succeeded as his Fathers Heir; but to make the *power* of *Parliament* prevail in this Kings Reign, he is forc't to fly to a *President*, that prevents any other Confutation of his whole History; for whereas he has contended all alone for a *Parliamentary* priviledge for *altering* the Succession, here he has brought upon the Stage one that *condemns* it self, for *doing* so; here we find a *Duke* of *York* too, by the *power* (as this Gentleman would have it of a *Parliament*, but rather a perfect *Usurpation* upon the *Crown*) for a long time *excluded* from his Birthright, and to

Hen. 6th.

I

make

make way for one of their Usurpers that was a *Monmouth* too ; That *Exclusion* was *begun* but with a *Rebellion*, and it ended in as much *Blood* ; is our having been wretchedly miserable, an Argument for our tempting the Almighty to make us *once* more so ? Shall we Plot against Heaven for our Destruction, and defie Fate to make us happy ; 'tis matter of Astonishment to find the very *Presidents* of our Nations *ruin*, to be preferr'd as *expedients* for its *Preservation*, unless they think a Prince, whose Just resentments themselves fear, and call *revengesful*, should now more *tamely* forego his Right ; when for above two hundred *Years* agon, it was with so much *Blood* asserted, or do they think now an *excluded* Prince will find fewer *Friends* ? no, these Political Suggestions do but give themselves the Lye ; his *Courage* they know, and for that they *associated* ; his *Adherents* they fear'd, and for that they were to be *destroyed* ; and here we have now by this Author's own Confession, after a thirty years *bloody War*, what in our next Parliament, perhaps we may have *without*, as well as in the late Loyal one in *Scotland*, a full *Recognition*

Vid.
Rot. Par.
39. H. 6. no.
10. Stow
P. 49.

nition of the Right of the Lawful Heir, and that no *foregoing Act* is of any force to foreclude the Right Inheritor of the Crown, and the Parliament approving of a Duke of York for their Sovereign, as a Right Heir, by Lineal discent from King Richard the Second.

And now the Succession of this next King Edward the Fourth, was the greatest Confirmation of the discent of the Crown to be by *Proximity of Blood*, that the most devout Heart the most zealous Contender for this undoubted right, cou'd wish or desire. Here we have the very *Parliaments*, those omnipotent Powers of the *People*, the God Almightyes of these Idolatrous Adorers themselves acknowledging; that such a Succession is agreeable to the *Laws of God*; *Nature*, and *Nations*; *Human* and *Divine*; and is this now as this factious Impostor would insinuate, only the Doctrine of *Lambeth*? The position of our *Laws* and the Principle of our *Prelate*?

The first thing that was done, in the first of this Edward the Fourth, was the repealing of all the proceedings against Richard the Second, and all the three

I 2

follow-

Vid. the
Par. Roll.
recited at
length
by Dr. B.
in's History
p. 30.

following Lines of Lancaster, declar'd absolute Usurpers: That Henry the Fourth had rashly, against Right and Justice, by Force and Arms, against his Faith and Allegiance, rais'd War against King Richard, usurpt and intruded on the Royal Power, that the Tyrant Imprison'd, murder'd his Anointed, Crowned, Consecrated King, against Gods Law, and Mans Allegiance; and that the removing of the last Usurper was according to the Laws and Custom of the Realm: Most of the proceedings of Parliaments in there former Reigns were all null'd and vacated; and the Intrusion of the first Lancaster into the Throne, declar'd an Occasion of the ruine of the Realm; and the ground of all the Civil and Intestine Wars that followed.

But refractory Rebels may reply, This was after he had obtain'd his Right again with the Sword, and all the Kingdom then his own Creatures: But still these prejudic'd Souls can't reflect that most if not all of those Elections, Usurpations, that they cite on their side, were only then the Sense of their Parliaments, when they did not dare to think otherwise, and when they were fright'ned into Faction with the Terror of the Sword;

Sword ; and forc't to comply for the fear of Arms : and are not their *Votes* and *Suffrages*, their *Resolves*, and *Orders*; as warrantable for the declaring of an undoubted *Right*, as for an asserting of an absolute *Wrong* ? But even such a suggestion is as really simple, as 'tis truly false, and so fails them too ; for their own Author tells us, that the *Duke of York* did not think it worth the contending for, till his Title was declar'd in Parliament, and that was done when the last of the Usurpers was in a flourishing Condition, at the head of his House of *Peers*, and in the hearts of his *People*. And the rejecting of their Intruder, so far from being done by force, that they took all the Care, Counsel and Deliberation imaginable : as soon as the Duke put in his Claim, they reply'd 'twas an high matter, and not to be consider'd without their Kings consent, to whom all their Lords present it, himself orders it to be examin'd, his own Title as far as could be found out to be defended ; accordingly they send for all the Judges who declin'd (without doubt out of distrust) the discussing it ; then all the Serjeants are sent for, and they do the

Brief History fol. 8.

39. H. 6.
Stow p.
409.
To which
they after
diligent de-
liberation
had and ap-
proved.
Rot. Parl.
39. H. 6.

same; till forc't by their Superiors into thesethree or four extorted Objections.

1. *The Oath they had taken to this King.*

2. *The Entails made to the Heirs of Henry the Fourth.*

3. *That he claim'd as Inheritor to Henry the Third.*

The Replies of the Duke.

That no Oath was obligatory for the suppressing of a Right.

That the Entails were made only to supply the defect of a better Title.

And that Records would contradict his descent, from Henry the Third:

So sufficiently satisfied that honourable Assembly, that they presently recognise his Right, and that for eschewing the many Inconveniences that might ensue, upon an Exclusion. And for saving a little of their Kings Honor, as they call'd it, let the poor Usurper turn a Tenant for his Life; and that prov'd but afterwards at the Courtesie of the Heir.

Does not this blind implicit Adorer of his deify'd Creatures, this idolatrous Admirer of his own created Gods, see in these particulars, and even in his own presidents that he cites the mutability of Mens minds, and the contradictory Con-

Conclusions of this his *infallible Council*, while *Right* it 'self must still remain the same, and the decrees of *Heaven* can't be cancell'd, since the very Laws of the *Persians* could not: and still when our *own* in this point of Succession were repeal'd, we find it turn'd all into Confusion and a *Hell*; and for a more sudden alteration in this vein and humor of *Parliament*, observe but this single Instance, and that in the *very* season of which we are discoursing. In the 38 of this *Henry* the sixth, a Parliament was held at *Coventry*; by that the Duke of *York* too is attainted of Treason, and all his *Adherents*. Their Heirs disinherited to the ninth degree, their Tenants spoiled of their goods, maim'd, slain; but in the *very next* year, of his Reign, the *very same Coventry* Parliament declar'd by another, to be a *devillish Council*, celebrated for the destruction of the Nobility; never elected, unduly returned; desiring the destruction rather than the Advancement of the Commonwealth.

And now can the most popular advocate of the Party, from the perusal of these their inconsistent irregular pro-

vid. Stow
38. H. 6.
p. 406.

Stow 39.
H. 6. p. 406.

ceedings, make them absolute Arbitrators of *Right*? They must resolve themselves into this Absurdity for a reply; that the supream Power of the Nation for its own security, can *justly* do *wrong*.

We have seen several Subjects against all Reason ruin'd with an Act of Parliament; and therefore shall we think it alway to do *Right*? What Reason can we give that our Courts of Equity are still the same, but that they can't be controll'd by the mutability of their Statute-Law; and granting this their *Bill of Exclusion* had past into Statute, that it had been *Enacted* a Royal Heir must be debarr'd of his Birthright, I am sure the *general Council* of the world, would quickly have given their Opinions against this *great one* of our *Nation*. And tho their Codes and Digests don't obtain with us, yet I cannot see why a *Prince* shou'd be deny'd the priviledge of a *private Person*; And the Brother of our *King*, the claiming his Right in *Equity*, what is allow'd the meanest *Subject* when forecluded by the *Law*.

The next immediate Succession of the
Crown

Crown descends as immediately to the next of Blood, and as for the most part it has done since the time of the Saxons, from Father to Son; the *Fifth Edward*, as hopeful as unfortunate, and the more in affording our Factious fellow, another president for an *Assembly of Rebels*, that prefer'd the very Murderer of their Sovereign, and a *pretended Parliament* that plac'd the *Butcher* of his Brothers Children on the Throne: And truly *this* Monster might be said to be *Elected by the People*, whom no God or Nature design'd for the Crown; and who was forc'd to break the Laws of *both* to come at it; and a sort of *Election* it was like those we had of late in the City, with *Rout*, and *Ryot*, and that in the same place too at their *Guild-hall*, where the *Duke of Buckingham* very solemnly convenes the Mayor and Aldermen, and there propounds to them and the rabble, their new King *Richard*, and it was like to be a fine sort of *National Choice*, that was to be decided by the *Freemen of London*. But whatever *Influence*, as this Gentleman observ'd, they had on the Succession, nothing of their consents could be gather'd but from their *silence*,
for

Buck whom
he cites in
R. 3d reign
no good Au-
thority, who
contradicts
his Murder-
ing of his
Nephews
and makes
him no way
deform'd, a-
gainst the
sense of all
Historians.
But that
prejudic'd
Author
might well
flatter the
Tyrant when
one of his
own name
and family
was the
Monsters
minton and
favourite
by his own
Confession.

Vid Stow
Baker.

L. Bacon
calls him a
King in fact
only, but
Tyrant in
Title 1. p.

for suffrages they had none, they being all surpriz'd with so strange a Proposition. Their *Buckingham* Elector with his Aldermen and some of their Retinue cry up a *Richard*, and so carry'd all with a House of Commons *Nemine contradicente*: And now for his Bill in Parliament, made rather by a pack't Convention of *Buckinghams* for the Bastardizing of his Sovereign's Issue, that very *Roll of Rebellion* acknowledges his right by Lawful *Inheritance*, grounded upon the Laws of *Nature* and *Custom*, and *God* himself; also this which was rather a *Convocation* of Rebels than a *Convention* of States, acknowledged what this inconsiderate Author cites them to *Contradiſt*, the *Lineal* and *Legal* discent of the Crown by Proximity of Blood, but in this acknowledging of an Usurper the good Bishop of *Ely* then oppos'd and for it was Committed to *Buckingham's* Custody, and *Stow* calls it all a *meer mock-Election*.

Vid. 1.R.3.
the whole
Record in
the Exact
Abridgment
fol. 712.

Stow p.
460.

And here enters all in blood, & that of the *Blood Royal* and Innocents, the meer Monster of a man, that beyond her intention, seem'd to crawl into the World while nature lay asleep, with a distorted *Body* the proper receptacle for as perverse a *Soul*; and

and in him the *third* great Example that our Impious Author vouches for the Practicable Presidents, of a Parliaments abetting the plain Usurpation of a Rebel to the Rebellious deposition of a King that *Reign'd*; and consequently, the subsequent Murders of those that had the *right*, and those damnable Proceedings against *Edw. 2d.* and *Richard 2d.* and these poor Infants has he more *Elaborately* handled than all the rest of his abominable Treatise; and the Contradictory Wretch calls the Murder of the Nephews *Barbarous*, yet pleads for the power of a Parliament that Introduc'd the Tyrant for their *Murder*, for they were as much dispatch't by their *suffrages* in the *senate*, as by *Tyrrel* in the *Tower*; they were the Ministers of Injustice that sentenc'd them out of their *Right*, and *that other* only an Executioner to dispatch them of their *Life*; for the History of all Nations, and too sadly that of our *own*, verifies it for an *experienc'd* truth, that the *Destruction* of those that have *right*, certainly follows in all *Monarchies*, the *bloody Usurpation* or the popular *Election* of him that has *none*, an *Association* will needs follow an *Exclusion*, for whom they have *expell'd*, they must *destroy*, for such
Murders

Murders as are grounded upon *MAXIMS* of State, must as necessarily follow the *Foundations* upon which they are *lay'd*; for whatever *Usurpers* undermine an *old* frame of Government, their Interest obliges them to remove as rubbish all that shall obstruct the raising of the *new*; and the dangers and fears from excluded deposed Princes, or the poor injur'd Heirs, soon makes it absolute necessity to cement the Walls with their Blood.

The best remarks that can be gathered from the following Reign of *Harry* the Seventh, are to be found in the Lord *Bacon's* History, the best account of that King, and he tells us he had no less than three Titles to the Crown whatever that *Italian* States-man *Communes* could conceive to the contrary; first his Title in right of the Lady *Elizabeth* whom he was resolv'd to marry; secondly that of the Line of *Lancasters* long disputed both by *Plea* and *Arms*; thirdly, the Conquest by his own: But the Learned Historian observes the *first* was look't on the *fairest*, and *Yorks* line, been always lik't as the *best* Plea in the Crowns descent, and for Confirmation of it the Learned Lord tells us, that this *Henry* knew the Title
of

of *Lancaster* Condemn'd by Act of Parliament, and prejudic'd in the Common opinion of the Realm, and that the root of all the Mischiefs that beset him was the *discountenancing* of the house of *York*, whom the General body of the Kingdom still affected; and whatever stress and reliance this Prince might place in the PARLIAMENT's power, this able statesman observes there is still a great deal of difference 'twixt a King that holds by civil Act of State, and him that holds Originally by the Law of NATURE, and DISCENT of BLOOD, so that we have here a Person vers'd in our own Laws, an excellent and allowed Scholar by the whole World, and not only *Lauds*, and Bishops, as our bigotted Author would have it, allowing a Divine right by the Laws of Nature, and (who I am sure was so good a Naturalist as best understood her Laws,) and that Natural descent by blood to be much more preferable, than any other Human title given by such Inferiour powers of a Parliament, whom the most zealous adorers sure won't acknowledge more Omnipotent then the *God of Nature* himself.

I shall observe another Historical Instance that a true *lineal* descent was then taken

Bacon Hist.
H. 7. p. 3.
Ibid. page
12.

Vid Bacon
Hist.

taken for the best title, and even in those times had the greatest Influence, which was the Lord *Stanley's* Case, who tho the very Person that plac'd the Crown on this Princes head, yet suffer'd the loss of his own only for saying somewhat that savoured of his kindness to the Succession; and that if he was sure the Children of Edward were alive he would not bear Arms against them; so mightily did the sense of the right blood prevail with him that he sacrificed all his own for it, and rather than recant what he so well resolv'd, seem'd no way solicitous for his Life.

But that which this Historian might have observ'd too, in this Reign as a discouragement to the designs of some of their popular Patriots then afoot, when he pen'd this his presumptuous piece, was the ill success that two several impostures met with in their pretensions to a Crown to which they were not born, no great Inducement certainly for any one to be persuaded to personate the Royal Heir, to set up for a *Lambert* or a *Perkin*, only for their misfortune and fate. Lastly, I shall conclude my remarks upon this Kings Reign, with an *Antimadversion* upon a Paragraph or two that

that conclude his piece, very pertinent to this place, since it relates to the times of which we treat ; and that is the resolution of the Judges, upon the Case of this their King ; that the Descent of the Crown, purged all his defects, and attainer. This their opinion he refutes as *Frivolous, Extrajudicial, and here Impertinent* ; but I hope to show this Point a most material one, the Resolution to be a good Judgment, and their reply much to the present purpose.

Brief Hist.
p. 17.

First, sure it was a matter and that of a high Nature to know how he was qualify'd to sit in the House, that was to preside in it as the head : And tho he might in some sense be said to have won the Crown with *Arms*, yet he knew it would wear much Better, sit much Easier, if settled, and establish'd according to Law ; and tho a Conquerer that has the Sword in his hand, can soon capacitate himself to sway the Scepter ; yet he'll soon find the most regular Proceedings tend most to the Establishment of his Reign ; this made *Henry the Seventh* who had a Triple Plea for the Crown, and that one by descent from the *Lancasters*

sters consult his Oracles of the Law, how far an Attainder past in the Reign of the Yorks, would still taint his Blood ; and make it less Inheritable.

Secondly, their Resolution that all preceding defects were purg'd in the dissent, was a Judgment both equitable, and reasonable ; for 'twas sure but equal that an Heir to whom an Inheritance and that of a Crown was allowed to descend should be qualify'd to take too ; for if he was a King, no Bill of Attainder could touch him, that was past too when he was none : And if he was no King, all the concurrence of the Lords and Commons cou'd never have made him an Act for his being so ; there being no Royal Authority, to pass it into Law, and nothing by the very constitution of our Government can be made a Law without ; so that such a resolution certainly was highly reasonable, and unavoidable, that that should purge its own defects which no power had perfection enough to purge ; wou'd he have a King pass an Act with his two Houses for the reversal of his own Attainder, or the two Houses reverse the Attainder of their King ? If the first, the allowing him to pass

*Vid Dyer
H. 7. f. 59.
The King is
the head of
the Parliam-
ent, Lords
and Com-
mons but
Members.
So no more
Parliament
without a
King, than a
body with-
out a head.
It is no Stat.
if a King
assent not
to it. 12.
H. 7. 20.*

pals such an Act, supersedes the end for which it should be past, and makes him *de Facto* capable whom they would capacitate, if he allows the Latter then he must an *Interregnum* too; extinguish that Monarchy for a while, of which the very Maxim says the Monarch can't dye, and place that Supream power in the *People*, which all our Fundamental Laws have put in the King.

Thirdly, this Resolution is very pertinent to the present purpose to which 'tis commonly now apply'd; and that is the *Bill of Exclusion*: But his passion; and prejudice; would not permit him to Examine the little difference there is between them.

For certainly that ability that can discharge any attainder, is as efficacious for the voiding and nulling any Bill that shall hinder the descent for a Bill of Exclusion, would have been but a Bill or an Act of the House for disabling the next Heir; And an Attainder can do the same; and is as much the Houses Act; and to distinguish that in an Exclusion the Discent it self is prevented by a Law, makes just no difference, for whoever is Attainted has his Discent prevented

K

by

by a Law too, and that antecedently also, before the Descent can come to purge him ; so that they only differ in this formal sort of Insignificancy, In an Exclusion, the Descents prevention would be the sole Subject of the Bill, in an Attainder it is by Consequence and Common Law prevented, and so the disability being but the same in both, the defects by the same means may and must be purged.

1. H. 7. f. 4.
B. Town
dit que le
Roy, H. 6.
en son rea-
deption del
reign tant
son Parlia.
& il fuit
atteint
& ne fuit
Reverse.
Al autre
Justice
dise que il
ne fuit at-
teint, mes
disable de
son Crown
&c. & dise
que eo fac-
to que ill
prist sur
luy le Roy-
al dignity
que tout il
fuit Void.

The president the Judges cite to justify this their Opinion, is not only applicable to their Case for which 'twas cited, but much more so to the very project of Exclusion; which I'll prove too from this Sophisters own reasoning : It is the Case of *Henry* the Sixth, who by Act of Parliament was *Disabl'd* to hold the Crown; which was as particular an Act for the depriving him of his presum'd right, as this their Excluding Bill would have been of an unquestionable one ; *Town*, one of the Justices that debated and argued this point, vouch't this *H. 6.* Case as an Attainder; but was Corrected by the rest, and told that he was not attainted, but Disabled to hold the Crown, but even that that was void as soon

as he came again to wear it ; and seem to conclude that then *à fortiori* that an Attaindere would be purg'd away by the Descent ; and sure if this was then Law, and that even for the Line of *Lancaster*, who had *Defects of Title* to be purg'd besides of *tainted blood* : 'Tis strange to me why a *York* now, and such an one too ; in whom both those so long disputed Titles Terminate and Concentrate, should be *Disabl'd* for ever by that Expedient, which was resolv'd unable to prevent the Succession so long ago.

For Argument that an Attainder hinders the Crowns Descent, has this presumptuous Interpreter of the Law brought the most impertinent piece of Application, that the defect offense could suggest, and so has as little reason, as Truth, to tell us that this Judges Resolution on Attainder, is not to the present purpose pertinent, for that a descent is insufficient to purge attainted Blood, he cites the Sense of the King of *France*, and the Learned advice that was given him to send his Son *Lewis* Because King *John's* Blood was corrupted ; but he might as well have told us

Brief History
page 7.

K 2

because

because *John* is said to make over his Kingdom to the *Moor*, we are all now Subjects to the King of *Morocco*; the true reason of the *French*-mans sending of his Son, is what will at any time incapacitate the Crowns Discent, and that is the Rebellion of the Subjects, and yet those very Barons that Rebell'd never insisted on his corruption of Blood, never made it so much as a Plea for their Rebellious Insurrection; nay themselves thought him so far from being disabl'd by it, that they prefer'd him even to the very right Blood, which was incorrupted in his Nephew *Arthur*; but allowing it then Law, this resolution that such Corruption is purg'd, was made long since, and must now be as Legal, tho the Contrary before had been never so much Law, so that here he has only taken the pains to be impertinent and that too for the telling of a Lye.

But as his Villanous heart, had falsely forg'd before that the Learned in King *John*'s time invited *Lewis* over only because they thought his Attainder had incapacitated him to take the Crown: when all the while they made nothing but their *Magna Charta* and their privileges

ledges the pretence for their Rebellion, and would have been certainly glad of such a suggestion, when they were so well Resolv'd to Rebel, (tho I look upon this Inviting in of the *French-man* rather as a Retribution of a Remarkable Providence, that retaliated on his head the same sufferance from his Rebel Subjects, which his Sovereign and own Father had suffered from himself as Rebelious a Son, who sided against *Henry* the Second with *Philip* of *France* the Successor of a *Lewis*, as these did with a *Lewis* a *Philips* Successor.) With the same falsehood and forgery would he have the world believe that the Line of *Lancaster* was so long approv'd, only because that of *Yorks* was Attainted; which when purg'd in Parliament, he says, they then presently forsook the *Lancastrian*: But if he pleases to Consult my Lord *Bacon* he'l find that Learned Historian tell him another tale; and that the *Lancaster* Line was always the less esteem'd by the people, and how the Parliament could purge the Duke of *York* only by declaring him Heir Apparent I cannot apprehend; for whatever can be warrantably past by a Parliament to warrant

History H. 7.

Obedience, must be what is past into an Act too; unless one of their *Order'd* and *Resolv'd* shall resolve it self into a Law, for such a Statute must, (tho it were for the declaring an Heir Apparent to the Crown,) have the Royal Sanction of some Lawful King, which could never be Consistent here, with this their most inconsistent Declaration; for the granting the Duke of York to be their Heir Apparent, in the same Breath pronounc'd Henry the Sixth an Usurper; and the very words that declar'd York an Apparent Heir, made him *de facto* their Lawful King; for they must either allow that he was the Crowns Heir, and then that had devolv'd to him long before by Blood and Inheritance from Lionel Duke of Clarence, Elder Brother to John of Gaunt, from whom the Lancasters claimed, or else they declared their *Lineal, Lawful King, an Intruders, Usurpers* Heir it is an unavoidable Dilemma; if the first, then an acknowledgment, of an irreparable wrong, done to their Lineal Sovereign that had an unquestionable right, if the latter, then most absurd and contradictory in making him an Heir to the Crown from that Henry, that himself never

never had the least Title to the wearing it.

From whence I conclude, that any such supposed *Act* (and it must be allowed that if not an *Act* that then it signified nothing too,) that purged *Richard Duke of York* from his Attainder, could never have the *Royal Assent*, unless most absurdly from one that was no King; for either it must be past by *Henry the sixth*, and then the thing he past un-King'd him; or else by the Duke the declar'd Heir, and then but a suppos'd Subject in the very Declaration, or rather a Lawful and allow'd King in admitting him to pass a Bill, and so superseded such a superfluous and Declaratory Act.

Lastly, even in this very point the Seditious Author supersedes the pains of any Loyal pen for the Confutation of the false Position he would prove, and in the very same Paragraph baffles himself to prevent an Answer, and tells us that *Richard Duke of York's Corruption was purg'd when declar'd Heir Apparent by the Parliament, and that therefore the People forsook the Lancastrians, and set the House of York in the Throne; shall the being declar'd but an Heir Apparent purge*

Brief History
17 p. 17.

It was re-
solv'd so by
all the Jud-
ges in the
Chequer
Chamber,
1. H. 7. and
so not extra-
judicial, but
that which
troubles
them is, that
these the
Kings Jud-
ges shou'd
have the re-
solution of
what is law
which when
we come to
Mr. Sid-
ney's paper
that com-
plains of it
too we shall
prove to be
pretty rea-
sonable.
Vid. Stows
Ann. page
409. 406.

an Attainder? And shall not an
actual discent of the Crown take away
the same defects? shall here be thought
the bare *opinion* of a *Parliament* sufficient
to clear a *Corrupted Blood*? And shall
not for the same the resolution of *all the*
Judges suffice? But as this contradicts all
right and *reason*, so the very next Line
all *History* and *Truth*; for it appears
from all the *Chronicles* that can be con-
sulted, that the house of *York* was rather
own'd by the *Parliament*, for fear of the
People, then that the *People* were pre-
vail'd upon by the *Parliament's* opinion;
for this *Parliament* of his had not above
half a year before at *Coventry* declar'd
the *Duke* and all his *Adherents* Tray-
tors, *Disinherited*, and *Excluded* him and
his *Heirs*. *Ludlow* a Town that belong'd
to him sack't to the bare Walls, and as a
Member in the late Houses moved for
the banishment of *Popish* Women too;
so did the *Parliamentary* rigor of those
Times extend also to that Sex; and the
Dutchess suffer'd then the same severe
Exile with the *Duke*, and as our Author
says, was spoiled of all her Goods, yet
as rigorous as they show'd themselves
in their violent Votes against him and
all

all that was his, *his Hereditary right* was so rooted in the Peoples Hearts, that it form'd for him an Army, fought for him at *Northampton*; and brought both the Usurper and his Parliament to a Composition for the Crown.

Thus much for the refuting of his *little Reason*, and his *less Law* upon the Case: And his Historical Inference that follows for its Justification, fails him as much too, for he tells us the Tale of *Richard* the Thirds letting the Children of his Brother *Clarence* live, because their Father was attainted in *Edward* the Fourths time, and that it was the Resolution of his Parliament that his Issue was thereby disabl'd to Challenge the Crown.

Brief History fol. 18.

17. Edw. 4.

1. Rich. 3.

And truly the Case will admit of no *better* defence; the *badness* of his cause can never be made *good*, but with such a Justification as is much *worse*. He verifies that Aphorism of the Tragedian, that to secure your self in your Villanies, you must commit more, and 'tis the Politicks too of a *Matchiavel* as well as a *Seneca*, and this the practise now of our present Republican, who first lays you down a Position perhaps truly Treasonable, and then is forc't

Seneca in Traged.

forc't to fly to the Resolution of Traytors for the defence of the Treason; and proves that the Crowns Discent does not purge Attainder, because this Parliament of an absolute Usurper, rather a pack of Rebels than a convention of States, resolv'd it so. Could it be imagin'd that those that had Bastardiz'd the Blood of their late Sovereign for him already, would Boggle to Declare that of a *Clarence*, and but their Kings Brother corrupt? would those that promoted the spilling of the Blood of the two Nephews, stick to *Resolve* that of the rest attainted? the Malicious Impostor knows, that they were then treating with a Tyrant, that they themselves had advanc'd to the Throne; and would he have had those demurred upon a point in Law, to have argued of his Crown again, which themselves knew against all the Laws of the Land they had plac't upon his head?

But this President if allow'd, would still to the present purpose be as Impertinent, as 'tis Treasonable; for the Question is what was Law since *H. 7.* time, and he Labours to Confute it with what was said some three years before; and to Baffle the *Resolution* of all the Judges of the King-

Kingdom; with the *Suffrages* of the *Parliament*, that even of their own Laws have no right to *Judge*, much less by any *Preceding* determinations of their *house* to Bind all the *Succeeding* Judges of the *Realms*; let him first prove a even *Usurper's* *Parliament's* opinion *Law*, and then proceed to refute the resolutions of the *Judges* of a *Lawful* King. In short, nothing can be Law there but what is Enacted, if *Clarence* his *Attainder* did not take away the *Discent*, the resolution of the *Judges* since is certainly the more just; if it did *then*, yet still their opinion never the less Justifiable now; for the opinion of that *Parliament* neither was or could be made Law, for if they would have made it an *Act* it must have been done before *Richard* was in the *Throne*, and then void for want of *Royal Assent*, if after they had *Crown'd* their *Usurper*, then sure too late to be enacted, unless they would have made the *Tyrant* his own *Judge*; And himself to have *Attainted* the second *Pair* of *Nephews*, as well as he *Butcher'd* the *First*.

But as *fearless* as (he says) the *Monster* was from the pretensions of the *D. of Clarence* his *Children*, whose *Minority*

ty might well make the poor Infants not very formidable, yet he did not think the Duke himself so *Barr'd* with his *Attainder*, but that he might still have been a *Bar* against his Horrid Usurpation; that truly sent the poor Prince to the *Tower*, and got the Brother of the Monstrous Assassin to be suffocated in the *Malmsey Butt*.

Vid Baker
p. 215. An.
1477.

The descent to *Henry* the 8 was both by Blood and Entail, and so beyond contradiction, and with their own concession Hereditary; but where that objection to the Birth-right fails them, there to be sure some subsequent Act of that Kings Reign shall be sifted, and made to Countenance their suggested falsehoods, tho the *Succession* of the Prince himself contradicts it; who had all the Consolidated Titles in him, that had been so long disputed, all that his *Mothers* Blood, and his *Fathers* Arms, and the *Law* could Invest him with, but because his Exorbitant proceedings, his Arbitrary power and predominancy which themselves condemn'd him for over *Parliaments* and them into an altering the Succession as often as he was pleas'd to Change his bed or chop off a Wife, therefore

fore must we conclude Parliaments to have a Power to do that by *Right*, which against *all* right perhaps they were compell'd to *do*? why does he not prove it a president for *Polygamy*, and *Murder*; because that furious Prince still sacrificed *Women* to his Lust, and *Men* to his Anger? But yet allowing them such a *Power* of meddling with the Succession, which certainly does not follow from their having some time *Usurp'd* it, or been put upon that Usurpation by their *very* Prince, for 'tis against *reason* to make that a *right*, only because they can plead *Prescription* for doing a *wrong*; but here those several alterations were all caus'd to be made for the *securing* of a *Lineal*, *Legitimate* and *lawful* Successor to the Throne; for as a Reverend Author says, *Bishp. Godwins Histo. H. 8. p. 37.* the King Lamented that he should leave the Kingdom to a Woman whose Birth was *questionable*, and he willing to settle the Kingdom on his *LAWFUL* Issue; and for this reason he got the 25th to pass, against his Daughter *Mary*. And the very Preamble of the Act tells us, that it was for the *Surety* of *Title* and *Succession* and *Lawful Inheritance*.

Three years are scarce past till the

*Vid. Pultron,
Stat.*

28 of his Reign *repeals* almost all that the 25 had *Enacted*, their *Protestant* Queen *Elizabeth* made as well as the *Po-pish Mary*, plain *Bastard*, and tho our prejudic'd Author may make the same matter right and wrong, as he stands affected, he must think this his powerful Parliament dealt a little hard with the latter, whose Mother was never divorc't but from her Life, and *she* past off for a spurious Off-Spring, only upon the pretended suggestions of *Anne Boleyn's* unknown impediments, confess't sine to *Canterbury*. But whatever they were, the *Canons* of the Church, tho born before Marriage, and since after the very *Laws* of the Land did make her Legitimate.

But however, this greater piece of Injustice to this good Protestant Queen, (which they'll say, now proceeded from] the Kings putting the Parliament upon too much Power,) was palliated all along with the pretence of providing a *Legitimate Lawful* Successor, and so the clear Reverse and Contradiction of the proceedings of our late Patriots, to whose Privileges those sort of pre-

n's 31 as incontinency was made impediment in the first *Anns Case*, they declared the suant of concupiscence an impediment in the 2ds. and only upon his sending some of his Lords to the lower house the Lady *Cleves* was unlawful too. *Vid Stow p. 581. Baker 288, Stat: 35. H. 8.*

presidents were apply'd, for those Parliamentary Powers secluded but *Bastards* to make room for Heirs *Lawful* and *Legitimate*, with us an Issue truly *Legitimate* should have been EXCLUDED, for the setting up of a SPURIOUS ONE.

In the 33
the Parlia-
ment petiti-
on'd to him
whom they
knew it
would
please for
the Attain-
der of Kar.
Howard his
5th Queen.

But then at last comes the 35th of his Reign, and that like a *Gunpowder Plot* in the Cellars, blows up all the former foundations of the whole House; both the two former Stat. for *Disabling*, *Illegitimizing*, are null, voy'd, repeal'd, the LADY MARY, *Sister Elizabeth*, in those seven years, suffered my Lord Bacons transmutation of Bodys; and were turned all into new matter; and what was *Spurious*, *Illegitimate*, and in *Capable*, with the single Charm of *be it enacted* was become truly *Lawful* *Lineal* Heir of the Crown, and *Capacitated* to succeed in an HEREDITARY DISCENT; and so far from *Invading* the *Prerogative*, so full of giving were the bountiful Parliaments of those times, that they *Impower* their too *Powerful* Prince to dispose of his Crown by Letters Patents; or an *Arbitrary*, *Testamentary* disposition, an *Oblation* I think his present Majesty might esteem too great to be accepted, who
knows

knows his Successor to be the *Crown's* Heir, scarce his *own*, much less the PARLIAMENTS.

Edward the Sixth upon his Fathers death succeeded, an Heir, *Lineal*, *Legal*, and *Testamentary*, yet the first thing this Author observes upon him is the *greatest falsehood* ; viz. *That he took upon him a power what surely no King ever had, to dispose of his Crown by Will*: When in the very Preceding president his own *Father* by his Will manifested he had the *Power*, and left it him by his last. But his he'll say was a Power given him by Parliament. But that is not so plain neither both from the Preamble, and the purport of both the dissonant Acts of 28, and 35. for the designs of both were only for the settling the Succession, and then upon supposition of the failure of Issue from those upon whom it was settled, they fairly leave it to his last Will or his Letters Pateents ; but supposing this Liberty had not been allow'd, can he imagine that a King that had got them to alter the succession at his pleasure in his *Life time*, would not upon the failure of the Limited Heirs have dispos'd of it by Will at his *death*, but that none but this

Edward

Edward of our Kings took this power upon him is utterly false, from these several instances. First the very first King of his name, in the Saxon succession, left it so to his Son to succeed: And *Athelstan*, whom above this Gentleman recommended to the City of *London* for a Mon. and Illegitimate, against the sense, and silence of all Historians, was declar'd King by the Command, and last Will of his Father *Edward* the elder; in the Reign of the *Danes*, *Canutus* did the same; bequeath'd *Norway* to *Swain* his eldest, and *England* to his youngest Son; and for the *Norman* Succession, the very first King, and who had the most right to do so from the Sword, left to *Rufus* the right but of an Heir Testamentary, tho followed by his Son *Henry* the first, And *Richard* that had less reason so to do, for his Daughter *Maud* by the Law of the Land would have been his Heir without the Legacy; and so would to the latter his Nephew *Arthur*, and tho both were by Rebellion rejected, yet still sure their right remain'd.

But for this *Edward* the 6th disposing it by Will, it was not only against the Customary Discent of the Realm in a

L

right

Malsbury
Lib. 2. c. 6.
fol. 27. Jus
suu patris
in Testa-
mento A-
thelstonus
in Regen
acclamatus
est

right blood; but of an Express Entail in several Acts of Parliaments. I am so far of this Authors opinion, that I believe it was no way warrantable, but never the sooner for his Parliaments settlement, had it not been at last upon the right Heirs; for tho those Princes of ours heretofore took upon them to leave Successors by *Will*, they still nominated those that by *Blood* were to succeed without such a *Nomination*, so that the bequest was more matter of Form, then Adoption; only to let the Subjects know whom they look't upon to have the *right* of Succession, rather than to superadd any thing of *more* right, and that's the reason (or ought to be) that we properly call the next in Blood the *Kings Successor*, but the *Crowns Heir*.

'Tis a little prodigious Paradox to me, that it must be such a receiv'd Maxim that a Parliament *can do no wrong*, and that in plain Terms they tell us it can do any thing; mollifying it only with an Exception that they can't *make a Man a Woman*, yet that they bid pretty fair for too in these Presidents of *Harry the 8th*, when they made *Bastard Females* of those that were *Legitimate* and then *Legitimis'd* again

gain the same *Bastards*; and 'tis as mighty a Miracle to men unprejudic'd, that our *Parliament Patriots* should contend for the disordering the Succession of the *Crown*, who still labour for the Lineal Discent of their own *Common Inheritance*, and I will appeal to the breast of the most violent contender for this Power, whether an Act made for the disabling one of their *own Sons*, or design'd Successors, would not by themselves be look't on as *just* if not utterly *defeasible*; and then 'tis sure prodigiously strange where so many Learned Heads tell us of a sort of *entail* from a *power Divine*, where the common Custom of the Kingdom has been a constant course of *Lineal Discent*, unless, as has been shown, a perfect *Rebellion* interven'd: And where *themselves* acknowledg this sort of Succession has been sometimes by Statute entail'd, yet still they should think that but Justice to their *Kings Successor*, which they would resent as an Injury to their *own*: but they may vouch for it, the common sort of *Recoveries* from a right *Heir*, with too Cunning sort of *vouching*, and perhaps too much practis'd; but I am sure no way agrees with the *Law* so *forraign*

*Vid. Dr and
Student p.
49 to 58.*

Nations, and has been a little condemn'd by some learned Heads in our own, and some that have brought it into dispute seem to have rais'd a Devil, not soon to be put down; in their Dialogue but however this Objection is nothing analogous, nothing of a Parallel Case for here is a Complication of both Parties Concern'd, and concluded upon both their Consents, and where shall we find the perfect Proprietor of Crowns and Scepters, and when God has told us that by him they Reign that bear them, and they'll hardly vouch the Almighty for a piece of Injustice. But allowing for once a meer Human Constitution, in their bandied Authority of Saint Peter, an Ordinance of Man, and the King's Consent with his Parliaments to determine the Point, yet still the great difficulty would call for a little longer consideration than a Common Recovery, and not presently to cut off the right of Heir to three Kingdoms, only because commonly done at *Westminster* of so many Cottages; and besides, what has been practis'd so long, and by the test of Time, and this their attempt would have been the *first* President.

And at last what has silenc'd their Advocates for ever, the non-concurrence of the King and his Lords, whose consent was by themselves suppos'd to be necessary because requir'd; and will like those recognitions of some of our former Parliaments for an *Hereditary Succession* perpetuate that right, in spite of the Laws of others that were made for altering it, and should the *Commons* ever get such a Bill to pass; 'tis enough to say 'twas once rejected by the *Peers*, unless they can prove that the Question was put again, Whether the *lower House* should take advice of the *Lords* in the *Legislative* power, and that 'twas *Resolved* that the House of *Peers* was useless, dangerous, and ought to be abolish'd, and *Order'd* that an Act be brought in for that purpose.

6. Feb. 48.
carried in
the Neg. p.
15. voices.

Queen *Mary* succeeds her Brother *Edward*, with all the *Right of Blood*, with all the Law of *God*, and *Man* too on her side; for whatever the Parliament pretended, they could never *Illegitimise* that which was begotten in Matrimony, celebrated according to the *Laws* of the Church and the *Realm*; for whatever defect there was found subsequent to the Consummation of the Marriage in

In the very first of her Reign there was an Act made declaring her Succession and Inheritance to be by right of Blood.

common reason and equity ought not to have extended to the making that Issue spurious, which had all the requisites to the making it truly Legitimate ; tho perhaps the subsequent discoveries might be sufficient to cause a Divorce ; and in the too Common Case of Adultery, 'twould be severe, far from Equity to make Bastards of all that were born before the Conviction of the Fact ; but it may be reply'd to this, That these were such Impediments as related to the Contract *ab Initio*, and where that's Invalid there the Children begotten after can be suppos'd *Lawful Heirs* when the Contract it *self* is against *Law* ; but tho still I shall look upon that as a rigorous resolution ; when I think Innocents and Infants ought to be more favour'd, especially when there is a *Maxim* in the Law even in the like Cases, that the fact may be *valid* tho the doing of it can't be *justifi'd* ; and besides there being a Rule that obtains amongst Civilians, That Marriage contracted without any pre-conceiv'd Impediment, tho it after comes to be dissolv'd as unlawful, yet Children begotten in such a state are reputed truly Legitimate ; and tho Appeals to Rome were

Quod fieri
non debet
factum va-
let.

Leg. qui in
provincia
Sect. divs
H. de Rit.
Nup. l. 4.

were then Punishable with a Premunire, yet the Civil Law then obtain'd much more than it does now; that Stat. being very young as well as the Reformation, and by the Laws of the Church long before it; they were such Latitudinarians in this point, that the subsequent Marriage would Legitimate those that were born before the Contract, but that I confess was rejected here in 20 *Harry* the 3^d's time,

20. H. 3d.

But what ever power they had of Nullifying this and making *Mary spurious*, 'tis certain another, and latter Act made her as much *Legitimate* by making her *Hereditary*, insomuch that what ever *Edward* her Brother was prevail'd upon, a young Prince and a *dying* one, whose forward Understanding might be well disorder'd with an approaching Death, and an untimely end, and which might be easily prevail'd upon in such Circumstances, by the Cruel sollicitations of the designing *Northumberland*, whose Son had but just Married *Suffolk's* Daughter the designed Queen; yet even then *Cranmer* the truly Loyal Bishop

35. H. 8.

Stow. 609.
Vid. Bishop
of Here-
ford's last
year of E. 6.

and as true a *Protestant*, of which his *ad-bering* to the right of the Crown was the *best* testimony, tho now 'tis made but a preposterous Emphatical expression of that Religion to *invade* it; that worthy Prelate tho he suffer'd in the Succeeding flames of a real Persecution, when demanded by these State Projectors his sense of the setting up of this Testamentary Queen, declar'd it was no way agreeable to *Equity* to disinherit the two Sisters, and that the Succession could not be Lawfully alter'd upon *any* pretence; tho Religion then too, was the very thing pretended; the Bishop of Hereford that was as good a *Protestant* observes upon the *Suffolk* men siding with *Queen Mary*, tho they knew she was for setting up of *Popery*, says that our *English* are in their respects to their Prince so *Loyally Constant*, that no regard, no pretext of Religion, can extenuate their Affections to their Prince and Lawful Sovereign. And he writ it in a Time when the most malicious can't object it was to flatter a suspected Successor, and when most of the Prelates themselves were so far from *Rome*, that there was scarce an *Armenian*.

Ibid. page
157.

Upon the death of her Sister; Doctor Heath Arch-Bishop of Canterbury presently declar'd Queen *Elizabeth's* right to the Parliament then sitting, who did not put it to the Vote, as our Republican would insinuate they use to do, but however did as much as was usual; *acknowledg'd* that she was *right Lawful Inheritor*; and presently she was proclaimed in *Westminster-hall*; and in the next vote they do declare moreover in full Assembly Lords and Commons, That this their Queen *Elizabeth* is their Lawful Sovereign, by the *Laws of God*, (and so not only in relation to 35 H. 8.) by the *Statutes of the Realm*, and the *Blood-Royal*; and in this open and generous *Recognition*, they must Implicitly disclaim all power of *Election*, or give themselves the *Lye*, and so must our Impostor put upon them a *falsehood*, if here his *Parliamentary Choice* must pass for a *Truth*; but where matter fails them before, and he can't prove his *Election* antecedent to the Monarch's *right*, then as in some other places and here at present he can make the Prince tho *own'd Hereditary*, by some subsequent Act of his *own* to make himself *Elective*, and for this he

cites

Stow, 635.

1. Eliz.
c. 3.

13. Eliz.

cites you the 13 of this Queen; the pur-
port of which is, to disable any one even
after her Death to inherit the Crown,
that shall pretend to it during her *Life*:
But does not every one know that this
was Enacted as all the fore-mention'd ir-
regular Acts of her Father, with her own
seeking and desire? and the bringing
this for a president for a *Parliamentary*
Power, is just as pertinent as that of
palliating the Treason of their late *Cove-*
nant, with the Title and Pretence of
an *Association*, made in her Time too with
her own Consent, and for the same pur-
pose that this Act was past, both being
contriv'd in opposition to the pretences
of the Queen of Scots; and must the on-
ly thing that has *Blacken'd* her clear In-
tegrity with *Injustice*, and *Blemish'd* her
Virgin Innocency with *Blood*, be brought
upon the Stage for an Imitation to
our *State*, and because the *Grand-mo-*
ther suffer'd with a *Bill of EXCLUSION*
and an *AXE*, and the *Father* with the
same Fate, must the *Son* too that has ex-
perienc'd *exile, dangers* and all but death
from this power of *Parliament*, Succeed on-
ly in their *Misfortune*, and his *Blood* be
made *Hereditary* only in being *Spill'd*?

All

All that he says of King *James* is but what makes against him, and what he might have said of all the rest, that they made a *Recognition* of his right upon his coming to the Crown, and truly such an one as must silenc'd all such Historians; for they acknowledg him, *Lineal, Lawful, Liege Lord*, by the *Laws of God, and Man*; this may suffice for my sense of his History; and all honest hearts will concur with my Sentiments, his subsequent observations are but the same with the *Principles of his ASSOCIATES* that follow, where I shall reflect upon them together as they are combin'd. And here only give him an omitted Instance, as pertinent as the Presidents he has propos'd, to bring down his Narrative to the Times.

Charles the first; notwithstanding his proximity of *Blood*, his possession of the *Crown*, and his pretended right from *God*, yet the *Parliament* imprison'd him, *MURDERED* him, and put the *Power* in the *People*.

And now what can any Rational Soul living infer, even from this Authors own Observations; but that those Parliaments which he brings us here for Presidents

1. Jacob.

See all the
3 Votes in
their Journal Book.

The Triumph of

Coke, Ch-
Treason 2d.
Inst. resolv-
ed by all the
Judges of
the Land
the deponents
were all
Traitors.

sidents both for disallowing the Discent of the Crown to purge the Defects of the Prince upon whom it descends; as also ~~tho~~ those that concern'd themselves in altering the Lineal Discent it self; are so far from warranting the same Practises and proceedings, that they stand upon *Record*, are Chronicl'd in *History*, register'd in their *own Journals*, declar'd by *Special Acts*, **REBELS** and **TRAYTORS**; and then no wonder if the poor People are encourag'd to Rebel, when the very Presidents of **TREASON**, shall be publish't as a *Parliamentary Practise*; the deluded silly Souls, don't so soon consider, that if every Seditious Senate's determination, shall decide too the *Descent of the Crown*, that this consequence which even themselves may blush to own, must as inevitably follow, that from the *Union* of the *Seven* under *Egbert*, to our present Sovereign the first *Born Heir*, to our *Three United Kingdoms*; there never was, or could ever be, a **REBELLION**, or ever one **USURPER** in the whole Catalogue of **Kings**.

Henry of Bullingbrook, by this unreasonable sort of supposition; had as much
right

right to the Crown, as that Unfortunate *Richard* from whom it was rent and torn; *Edward* the Third but a Son; Intitl'd to the wearing it, before his Father had done with it himself, and that Butcher of his Brothers Babes, and the Monster of Men, as Lawful a King as his Nephew that he Murder'd: That Arch-Rebel that of late mounted the Throne, *Cromwel* himself, as much right to sit there; as a *Charles* the best of Monarchs they Martyr'd; all these were by Parliament acknowledg'd for their Lawful Sovereigns, against the very Fundamental Laws of all the Land; Laws that even with the Allowance of one their late most Laborious, most popular (and pillor'd Advocate for this Power of Parliament, *Pryn* himself,) have still plac't the Descent of the Crown in the right Heirs at *Common Law*; and who himself Confesses that Acts of Parliament have translated it from *them*, to others who had no *good* Title; and then certainly such a translation at *best* can be but *bad*, and Evidences that there is somewhat else requir'd besides *their Power* to the making of a *King*; so powerful and prevalent are the Dictates of *Truth* and Reason

1. Ed. 3d.

1. Hen. 4.

1. Rich. 3.

*Pryn's
power of
Parliament
fol. 107.*

reason that they force their *Confessions* sometimes from the *very* Mouths of those that Labour to give them the *Lye*, drop from them unawares, and steal from their unadvised Lips.

Lastly, 'Tis most prodigiously Strange that such Seditious Sycophants as fawn upon this *Parliamentary Power*, for altering the Succession, and asserting of an *absolute wrong*; yet are such unreasonable Souls as not to Consider the several Acts of the *self-same Powers* that have declar'd it *unalterable*, and maintain'd the Monarchs *Unquestionable right*. *Edw.* 4. *Edward* the 4th's first Parliament they *themselves* know declar'd those that came to the Crown by the Common Consent of the People to be but *Usurpers*; Kings only *de Facto*, which implys 'its contrary, to be just, and that some *de jure* must be Kings; they know the first of *Jacob*. *James* declares his Royal Office an Heritage Inherent in the very Blood of him, and also that all our Books of *Law* besides the Fundamental Constitution of the *Land*, do make the Regal Power *Hereditary* and not *Elective*, and such an Elected Usurpers Laws can no further oblige the Subjects of *England* then they they'l

they'l submit ; no more then the *Czars* of *Muscovy*, a *pecuniary* mulct must be but a bare oppression ; and a *Capital* Punishment MURDER : But *Will. Pryn*, I Pryn's.
 Confess in another of his *Treatises*, that *That the Parliament and Kingdom are the Sovereign power, a piece Printed by Order of the house of Commons.*
 he Printed, will have all such *Acts*, made by Consent of *Usurping Kings*, bind the right *Heirs* of the *Crown* that *Reign* by a just Title : That all such *Acts* oblige them is utterly false, for one of them is commonly for their Exclusion ; but that some are admitted to bind is as really True, but that is rather upon a Political account of their being serviceable to the Publick and the Country's Good. And is it not now an unaccountable boldness ; that the very same Cases of *Usurpers* upon the *Crown*, that this *Indefatigable* piece of *Faction* publish't against the *Father* they fought, and Murder'd ; should be retrieved against the *Son* whom the kind *Heaven* ev'n by *Miracle* so lately restor'd?

But at last allowing those palpable falsehoods they so much Labour for ; falsehoods so gross that they can be felt, to be matter of Fact, contradict the true sense of all *Chronicle* ; with a *Seditious Supposition* ; to be secur'd of Truth, give all the Laws of the Land the Lye ; raze
 Rolls

Rolls and Records, the better to rise & *Rebellion* ; and grant the *Kings of England* have been all *Elected*, all almost from that Union of the *Heptarchy* in the *Saxon* ; to that of our three Kingdoms in the *Scot*, (and sure no Soul living can conclude with them in a fairer Concession than in granting the very Postulate they require.) yet since they then in the End of *K. James*, tho but so lately had settled the Succession and made it *Hereditary* ; can with men of Common sense the Presidents of its having been formerly *Elective*, prevail for an utter Subversion of such a Settlement ? *Popery* was once in *England* by Law Establish't, and must it therefore again be Establish't by Law ? Certainly all succeeding Reformation, must null and abolish that from which they *Reform* ; and a *Repealing Act* will hardly be made *Declaratory* of the *very* Statute it *Repeals* ; if these be but their best Arguments, the same you see will reason us back into the very Religion of *Rome* ; we have seen several *Rebellions*, and some even of late to have lain the Land in Blood ; and can such sad Sufferance be made to *Prescribe* for our Misery, warrant some such as Bloody to

to succeed; but since all this suppos'd suggestion, must vanish like to soft Air; since the *Succession* has been settled for so many several ages; to rake every dusty Record only for a sad Review of some Time of *Confusion*, is certainly but an Impious Industry to Confound the work of the very God of Order: We may as well be discontented at the Frame of his World he so well digested, and plead for Prescription the *Primitive Chaos*.

CHAP. II.

Remarks upon Plato *Redivivus*.

THE best Animadversion that I can make on his whole first days Discourse, is, that it wants none; that it's Impertinence has superseded reproof; and the fulsome flattering Dialogue as unfit for a serious Answer, as a Farce for a Refutation out of a Sermon.

M

The

The great acquaintance these pretending *Platonicks* would be thought to have with *that* Sect of Philosophers, did not oblige them to be so morosely reserv'd as to know *none other*; and they may remember an *Ephesian* Sophy I believe as Learned too in his Politicks, that was never so much tickl'd, as when he saw the dull Animal mumbling of the cross-grain'd unpalatable Thistle; the disputing against the Laws of the Land, and the Light of Reason, they'll find as uneasy, as absurd; and the latter as Impious and Profane, and which deserves to be assimilated to a more serious sort of Obstinacy, that of so many *Sauls* kicking against the Pricks; but the Pleasant and Ridiculous Disputants put in for another pretty Quality of that insensible Brute, the length of their sordid and stupid Flattery outdoes their Original Beast, and the sad Sophister would force one Smile more, to see three of the same sort of Creatures for a whole day clawing one another.

Certainly whatever they fancy the *Dialogues* of *Plato*, whatever the Favourers of his Principles can suggest, surely they were never fill'd with such

Fustian :

Russian: But that good old Philosopher did as plainly cloath his *Disputes* as well as *himself* in an honest homely Drugget of *Athens*: Tho I confess they tell us of his rich Bed, and his affectation of State, which a Soul so sublime could not but Contemn; while these *Sectaries* are such refin'd *Academicks*, so much polish'd with Travel and the breeding of the Times, That all the *Fops* of France, the *Dons* of Spain; his *Adulano* of Italy, seem melted down into one Mass of Impertinence; they can't pass by the thin Apartments of a Page without a *Congee Bon-Grace*, and a formal Salutation upon one anothers Excellencies, the Doctor claws the Patient with his *Lenitives*, *Frications*, *Emollients* of Praise and Adulation, and the Patient (who in the literal sense must be said to suffer with such a Doctor, (if not in Body Natural, I am sure in the Politick) as in Cordial Affection and Common Civility he is obliged; returns him the reputation of his Book *De Corde*; for the tickling the very *Auricula's* of his Heart; (for Praise must certainly be Pleasant for an *Æsculapius* that sets up for a *Matchiavel*;) confutes *Solomon* and the Bible, as he says, for say-

M 2

ing,

Vid. Argu-
ment to the
Book.

ing, the Heart is unsearchable, tho but an Ordinary Divine without the Criticks, Tremellius, or a Munster would say, that in the Text there is nothing meant but the *mind*: But *Cor hominis* must not be *Inscrutable* now, only because the Doctor has handl'd its *fibres*; and thus this *Triumvirate* of *Fulsomness* and *Faction*, treat one another with their *Fustian* and *Foppery* through the whole piece; I seldom care to lard our *English* with the least scrap of *Latin*; but because 'tis the property of such pedantick Scriblers, who still *most* affect what is *most* ridiculous, *Foppery* and *Folly*, I'll only give them an Argument out of the *Mathematicks* for a Demonstration of their agreeable *Faction* and *Foolishness*; and for his *Cor hominis* as it relates to this Doctors *Pharmacentria*, let him take one of *Euclid's Postulates* that has a greater reference to their mighty Three: In *English* thus, and if they will have *Latin* 'tis in the Margin: Those that agree in one Third, must needs agree among themselves. The *Venetian* Claws the Doctor, the Dr. our *English man*; and he the Doctor and *Venetian*, one of them must be somewhat of the *Ass* among them;

Quæ con-
veniunt
uno Tertio
conveni-
unt inter
se.

them ; and then 'tis Demonstrable they have a great share in it all, and because the great *Galen* of the Times, is so bold with his *Catharticks* as to set up for his *Purging* of the Court of Chancery ; tho I Page 129. am no Practiser in it, yet I shall take the pains to defend it against the Doctor in its due place ; and since the *Mountebank* for the Body Natural is here all along made an *Empirick* for the Diseases of the *POLITICK* ; and from his *Colledg* brought to the *Coffee-House*, to talk only of the *Marasmus* of State, I'll give him my sence tho no States-man of this whole Work, in his own Phrasology : The Piece seems to me like a sort of Preparation among the Doctors ; a meer *Amalgama* ; the Chymical Operator understands it better than many a Politician the *Marasmus* ; 'tis a Composition of meer *Quick-silver*, and *Lead*, tho this *Political Spagyrist*, perhaps will call it *Saturn* and *Mercury*, here this Author with the help of the Fire of his hot Brain, has incorporated his volatile thoughts and his dull ones together, gay Compliments and Air, Faction, and Hell in a lump : And tho this homely Physician won't allow himself to have

Page 81.

been abroad, tho the courteous *Venetian* contended for his breeding in *Padua*, yet the frequency of Murders here too, would make a Body mistrust it; and however their Human Bodys escape, such Principles I am sure have Royson'd some of their Souls; and thus I have plac'd my Pleasant Observation, upon their Ridiculous Stuff together, that I might only reflect hereafter on what they would have thought serious, and I shall worth a Reflection without the Mixture of Mirth: Their mingl'd Foppery must otherwise provoke a little Laughter as well as their Principles of Sedition incense; and I cannot Trim my Passions so well, as to keep them in a pure Medley of Mirth and Anger. If any affected to the Cause, or disaffected, thinks his Introduction deserv's a more serious Reply; let him take the pains to give at a more solid Elaborate Confutation.

In the Second day they wisely agreed not to play the Fools; and as well they slept upon't for the sake of their Senles, and the first Observation of the *Venetian* is as long as his Noble gown, down to the very heels of two Pages, but for brevity you shall have it in as many words.

Why

Plat. Red.
Page 16.

Why that our English Nation signifies so little abroad, yet makes such a great sight at home; our Author having been so much Conversant with *Dons* and *French* can't forbear falling to his Formality agen, and after a soft sort of Compliment to the Courteous Stranger and the Government, thus Thunders out his Negative Reason: *Evil Counsellors, Pensioner Parliament, Thorough pac'd Judges, Flattering Divines, designing Papists, French Councils.* So I have seen at another sort of Cabal where such Disputants use to assemble for *Edification*, and *Doctrine*, not *Dialogue* and *Dispute*; the *Jack-Pudding* of their Pulpit has seem'd to whisper his God Almighty in the Ear as a common Zany does his *Mountebank* for Instruction; and then raves out to the list'ning and Attentive Rabble, his *Choledochons*, *Phlegmagogons*, *Balms of Gilead*, *Conscience Salve*, *Curse ye Meroz*, *Sword of Gideon*; and for this *Enthusiasm* too those *Harlequins* of their Assemblies the *Burlesques* of the Bible; shall Blaspheme with the very Book, and vouch the Almightyes coming to them in a still voice, and sometimes in a *rustling* wind, and the Devil of Sedition shall be countenanced

Ibid p. 20

with the word of God ; I should hardly pardon my self the Liberty of sully-
 ing the sacred Text with so much as the repe-
 titon of such a Simile, did not I know the
 Zealots themselves had vouch't it for a
 Iustification of their sudden Raptures and
 Inspiration ; and for this Preacher of the
 Politicks, tho' I never saw him in his
 Geer and Gestures, I am sure he makes
 just such another Figure in his Speech,
 on a sudden 'tis all *Aposeiopeses* soft and
 fair, and as soon all in Exclamation and
 Ecphone, and these heats and lucid In-
 terval's of raving, run through his whole
 Work.

But first for his Forreigner, with his
 Observation, is it a Mathematical Postu-
 late that our Nation is so despicable with
 our Neighbour's, that it must be granted
 as soon as ask't ? or has he rather beg'd
 the Question ; or can the Noble Stu-
 dent from his Geometry, measure the
 fame and reputation of the Kingdoms of
 the Earth ; but whatever his skill be in
 the Doctrine of Triangles, I am sure he is
 much out here in his Measures, and what-
 ever reputation *England* has at *Venice*,
 or a compleat *Monarchy* with a mixt
Republick, I am sure with better Go-
 vern-

verments it has as much esteem; and when ever it loses any, it must proceed from the Scandals and Infectious breath of such Authors and Seditious Vipers, that wound the Reputation as well as the Bowels of their Dam.

But that matter of Fact may contradict what Malice does but suggest; near the very same Time this most Impudent Observation was made, did they propose to our present Prince the *League of Guaranty*; and desire HIS entrance before that of the Empire: But I can tell him what once brought a Scandal indeed upon the Nation, made it a reproach to it's Neighbours; in a thing of the like Nature, not to mention the Murder of their King, for that supersedes all hopes of regaining it's former Esteem, for did not the Proceedings of that Rebel Parliament, make us a *by-word to the Heathen*, and a Scandal even to the revolted *Holland*? did not the very *Turks* bless themselves at the Villany, and the *Dutch* since in Derision cut off the Tails of their Currs, to let us know we made less of a Kings head, than a Dogs Neck? But this we mean to apply related to it's reputation upon a League too; this was a
Scandal

About 80.
or 81.

Scandal also brought upon it by a Parliament; this was the effect of unjustly altering the Succession. And this was in the Time of *Henry* the 8, when the Princes of the Empire would have made him Head of the *Protestant* League, but upon hearing of his Extrayagant Parliamentary Proceedings, of their repudiating what Wives he pleas'd; and allowing a more cruel Divorce of a Pious *Protestant* Queen from her Life as well as his Bed, and severing her Head from her Shoulders, as well as the Crown; when they saw the Senate of *England* so Inconsistent with themselves as to Legitimate Bastards, and then make Bastards of those they thought Legitimate. Then began our Nations Reputation to be low with our Neighbours? Then began our *Parliament's* to be look't upon as insignificant, and the *Supream Power* of our great Assembly, to Forreign Councils seem inconsistent, and their mighty Credit so weak that they could not be trusted; and thereupon all the Leaguer's unanimously rejected *Henry* whom they had prepos'd for their Head.

And well might they distrust the Councils of such a State, that while they pretended

pretended the *Reformation* of Religion could chop off the Head of the most zealous *Reformer*, and as *Baker* calls her one of the first *Countenancers* of the *Gospel*; make her Issue spurious, that was like to and afterwards did prove the most Protestant Princess, and all this but to please a Liddinous King that could make her suffer for his constant Crime, Inconstancy, when that too was so little prov'd and her Innocency so much; whatever prospect these pretenders of *Reformation* gave to the Princes of the Empire that they should think of making the head of this dissembling Parliament that of their League too; I am sure they must all of them as *Oates* did when he took the Mass, the Sacrament for his Religion, only pretend it; and tho they made the World and Forreign Princes think well of their affections to Reform, tho they had excluded the Pope, still they and their King could remain Papists; and a Reverend Author that has had the thanks of the House, says that a Parliament was Summon'd that was resolv'd to destroy her; so that we see a Parliament could then contrive to make our Nation signify so little abroad, and that

Page 284.

Papists were then Martyr'd for opposing their Kings Supremacy, Protestants the Mass, a sort of Parliament persecution destroying both. Witness the 6 Articles set forth in 31 of his Reign. Burnets Abridgment, pag. 157. Viz. The Protestant Queen.

that our present King without one, signifies so *much*, that he stands the sole Arbitrator of War, and Peace, and *Europe* only debar'd of the benefits of it, by the very Faction; that upbraids the Government with its being disesteem'd, and this Noble Traveller, not only taken the Liberty to Lye with Fame, but given Fame *it self* the Lye.

Page 20.

After he has Thunder'd out his Anathema's against the State in the *Jargon* I recited above, of *Evil Councillors, Pensioner Parliament, thorough pac'd Judges*, which still the most malicious Soul can't allow to be the true Reasons of our Maladies and Distempers: But however the State *Negromancer*, with his Rosacrucian the Doctor, knew these terrible Names with the Populace are swallow'd like his Pills without chewing, and which they understand no more than his *Catharticks* with which they are compos'd with that unhappy effect too; that they can no more discern the bitter *cheat*, when these Prepossessions are got into the Guts of the Brain, then that of the drug when in those of the Belly; but like Persons absolutely possess'd rave and rail only with the same words that are dictated

dictated by their Devil, yet, after all this, and having Libel'd Courtiers that *contrary to the true meaning of the Law, as well in this Kings time as in that of the Late, they have got Parliaments Dissolv'd, Proroug'd, for the keeping of the Governments, Life and Soul together*; after all these Seditious suggestions still he defines but *Negatively*, that none of these are the *Causes*, but the effects of some *Primary Cause* that disturbs it; but I am afraid this *Primary Cause*, to him is yet an *occult* one, unless the Discovery of our late Plots, has so far illuminated his Understanding, as to disclose it, or he consulted his Doctor, for his Diagnostics; and got him to make a better Crisis and Judgment of the distemper of the State.

*Vid. p. 20,
21. Plato
Red.*

But for those Acts by which he thinks his Majesty is oblig'd to call a Parliament, for the Triennial one, I think runs with a Clause and a Proviso that it may be oftner call'd and within the Term *if occasion be*; and pray who shall be Judge of that occasion; *the King* who calls them, or the *People* who would be call'd; and what if it be Judg'd an occasion, not to call them at all? the Preservation of the

Page 21.

the *Prerogative* may as well exclude the force of this, as some *new Emergencies*, which themselves plead for upon a necessity; and for the *Common-wealth* and *Peoples Benefit and Advantage* can Invalidate others; but for that *obligation*, and *Law* for the *Parliaments* sitting in the *late Kings* time, that which he would truly have *reinforc'd*, is their being *perpetual* again and not to be dissolved; but for that I think he need not perswade the *Courtiers* to *Address* or be so bold to *Petition* himself, unless he would tell his Majesty they must again have the *Militia*; they must fight once more *against* his *Person* for the *sake* of his *Authority*, and sit taking of *Covenants*, and *Associations*, till they have taken off their King.

But after our *English*-man has been so tedious in his *Impertinence*, so *Fussom* in his *Complement*, that the *Venetian* is forc't to condemn his troublesome *Civility* (that is) our Author begins to be ashamed of himself: Why then we come to know, that before this great Secret that occasions our *Disquiet*, can be disclosed before we can come to know the *Distemper*, that disturbs our *own*. We must

must Discourse of *Government* in general, and for the Original of it, the Gentleman is resolv'd to doubt: And why? Because this Government must be Antecedent to such Authors as could give us an account of it, and the matter of History, as I suppose he must mean, did occur long before they could get Historians to transmit it to Posterity: as for particular Governments, he is forc't to allow the Knowledg of their Originals to be possibly transmitted, and truly, that he might well in *Civility* consent to, what in *Modesty* he could not contradict, and *Rome* and *Athens* will be found what they were in their Primitive State, so long as we can find Authors that can tell us of a *Romulus* a *Theseus* for their Founder.

Plutarch,
Florus,
Paterculus
&c.

But when the Gentleman is so cruel to himself as to keep close to the Text, that there is no Origen of Original *Primitive* Government known (for in truth, these last mention'd might be Modern, and I believe that *Rome* and *Athens* were never heard of, when *Sodom* and *Gomorrhah* were burnt with Brimstone,) then he is forc't to give himself the Lye, and the word of *Truth* it self, *God* and the

the *Bible*; and that he does in excepting *Moses* from the number of those that had the Help, and Information of any Constitution Antecedent; as the Founders of the foremention'd Monarchies that were Establish'd so long after, might well be supposed to have had for their Instruction; and yet does that sacred Penman inspired by God himself, almost Coæval with the World, give us a clear account of all Original Government, from the time that there was a Man to Rule, or a Beast to be governed; and that too of an absolute Monarchical Empire: So that all what the sublime Speculations, of this refin'd Politician can cavil at, is only, that we can't give him an account what was done before *Adam*, what truly was the Constitutions of their Government, and whether the *Præ-Adamites* liv'd like our English-men under a true Monarch, or like the *Venetian Republick*, under an insignificant Duke: For this certainly must be the Consequence of his Inconsiderate Assertion, that Original Government is *unknown*, at the same time that he excepts *Moses* from the Number of those that Establish'd a Particular one; which

He allows
Moses to
have had
no help of
any Pre-
ceding ad-
ministrati-
on, but only
the aid
of God him-
self.
Pag. 29.

which by the Consequence of his own Concession must be the first *General* and *Original*, unless he allow another before it, dis-believe the very Bible, and give his God the Lye: But he is not the first Author that has fancyed *Præ-Adamites*, and writ about them too: Besides his Brother Heathen the *Stagyrite*, as great a Philosopher as his *Plato*, tho not so *Dogmatical*, makes it more than an *Hypothesis*; one of his Principles that our World was Eternal; and then indeed we shall be puzzled for this Original of Government in *General*, for lack of a Creation; when the *Bible* shall be *baffled*, and *Books* of *Moses* at a loss.

But I wonder since he allows that Primitive Penman, to be one *inspired* by God; and *excepts* him too from the Number of those that have transmitted an account of the Original of *particular* Governments, which must imply that he did of that which was *General*, and so contradict his first Position, (That we wanted such a Tradition;) that yet all the while he won't take notice what is the account he gives, and what's the first, this *Moses* mention'd, without doubt he

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knew

Page 29.

Genesis 1.

knew the very Consideration of it would confute him, and that he would be confounded by the very First Chapter of *Genesis*. And therefore he presently takes it for granted that *Politicians conclude*, (tho none but such as himself) that nothing but Necessity made the first Government. But then, what does he think of the Dominion that the Almighty gave in express Words to his created Man? was it only to extend to the *Beast of the Field, and Fowls of the Air, and every Living thing that then moved upon the Face of the Earth*? or ought it not in Reason be applyed to those Beings too that should be hereafter the product of those *Beasts*, and that of his own Loyns; but even God himself confirm'd the Donation of this power afterward, to make it more sure, made him Ruler In an express Subjection over his Wife *Eve*, and afterward subjected *Abel* in a subordinate one to his Brother *Cain*.

'Tis strange and prodigious to me, that Men professing *Christianity*, *Protestants* even to a fault, in being fill'd with *Fury* instead of a *sober* Zeal, yet should so warmly contend for the Doctrines

crines of profest *Atheists*, and pursue with heat the Principles of avow'd *Papists*. Does not Mr. *Hobbs* teach us our Original State? was that of *War*? and this *Political Atheist* tells us as much, that *Man* was first born like a *Beast*, only to prey upon one another; does not *Belarmin* declare by *Nature* all *Men* were equal, and this *Pseudo-Protestant* informs us, Every *Man* has a *Right to every thing*. What can this Harmony mean with the profest Foes to all Religion, and avow'd Enemies of our *own*; but that these Sycophants dissemble with their very *God*, when they declare for his Worship, and would close with the *Devil* for its Extirpation? 'Tis plain, they do with the Positions of the rankest *Jesuites*, and the Fiends in *Hell* can't be made more black than themselves do commonly paint that Society, whom I am afraid, as the *Indians* do their *Gods*, they only make the *more ugly* for Adoration:

Ibid. only
Mr. Hobbs
says, Fear,
this Fel-
low, calls
it Necessi-
ty made the
first Govern-
ment,
Hobbs de
cive ch. 14

In the next place, all *Paternal Right* must be laid aside; that's a thing so ridiculous as not to be mention'd: But I hope 'tis only so because inconsistent with his *Principles*, when we have so

Plato, p. 31.

many Texts of Scripture for its Confirmation; and *Aristotle* that learn'd Heathen, tho a Native born even in a *Republick*, places that Original of all Despotical power in the heads of Families, and I can't see where a man that has a Power to *Love* it over some *few*, has not a share of *Sovereignty* too, as well as he that has an Empire over *many* more: The Government of those Families, and the setting their Father a Ruler over them in their several Tribes, was really from God, as appears plain enough from the Old-Testament; and that without doubt made *Paul* to make this of a larger extent and Interpretation in the new, when he tells us expressly that all *Powers* are ordain'd by God, and there are none but what are from him: But they'll say this may be applyed to any *Democracie* which is a *Power* too: But then it may be as boldly replyed, That they are not of his *Ordination*; for we have the Authority for the sole *Sovereignty* of every *Father of a Family*, from the very first Original of the World, and that of their *Popular Supremacie*, never commenced, but by some Division in a Tribe or Family, and even

ven then they made some Head in that *Divison*, which was no more than what we now call *Rebellion* and *Usurpation*.

The first Original of *Monarchy*, here-
Page 33.
 solves into the *Corruption of the Times*, which the preposterous Statesmen ought rather to have made the product of their *Purity*, at least of their desire to be bettered and *purg'd*, for allowing what he says, some *better* Government (tho the greatest Opposers of the *Divine Right*, grant that of a *King* to be the *best*) might degenerate, upon the disorder of Times and Debauchery of Manners, into Monarchy, (which the resolute Republican is resolv'd shall be the *worst*;) yet still his own very Argument shall contradict his reasoning; and in spite of his Villanous Principles prove it the *best*: For if manners be deprav'd under another Form of Government, and that the People grow so careless as to neglect the Constitution and Frame of it, as not worth the keeping, and so uneasy under it as to admit any Usurpation and Intrusion of a sole single Sovereignty; certainly they must have a very *bad* Esteem of their preceding Government to suffer it to be utterly

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abolish't, and somewhat at least of a good opinion of that new Sovereignty in a single Person, so easily to admit it; for the depravity of Mens manners can never arise to such an *Acme* of transcendent Wickedness, as only for mischief sake to undermine a Government they think the *best*, and for an Instance, their own Malitious Accusations as common as they are False, fly in the very Face of this Conjecture; for they make now the most Debauch't *Atheists* at present, the greatest Sticklers, for our Government. Now if the Depravity of their manners would make them neglect the Monarchy they *love*, I am sure we have such a Number of true Profligate Villains on their side that as Mortally *hate* it, that we should soon have it undermin'd: 'Tis a strange Paradox that a *Republick* which was always the result of a *Rebellion*, and which is restless till it return to that Government from which it *revolted*; should be lookt upon by these prejudic'd, preposterous Politicians, for a piece of *Reformation*, which can proceed from nothing else, but from the Turbulent Humour, and discontents of some restless Spirits, that dislike the Constitution
of

of *that* under which they were Born ; and would *that* of *any* to which they are *Subjected*, yet still can Fancy that *Monarchy* which they will have Establish'd by the common Consent of the People, to proceed from a Corruption of their Manners ; when this their Peoples Consent, and Unanimous Agreement for it, should determine him at least to think it eligible for the best: And if the People that in a defection from a Government (who must be suppos'd the least Number,) shall be allow'd to reform for the better by running into a Republick; as I know he thinks of the *Rebellious Dutch*; yet why should not even there the Universal Consent of almost all the *King of Spains* Subjects in retaining of their Monarchy make it preferable ; much Over-ballance the Scales, against the revolt of an *handful of Rebels*? unless he Fancies the *Nevills*, the *Sydneys*, the *Harringtons*, &c. the *Wise* and the *most Honest* part of the World. And that they are always among such *Renegadoes*.

And can in Reason three or four petty *Common-wealths*, most of them in *Europe* too, and such as by the Machi-

nations of some of these sort of Male-Contents, and by the Poison of their Principles, were Debauch't in their Loyalty, and animated to Rebel; be so prevalent an Argument as to perswade Men in their Wits, that the *Monarchy's* in which almost all our Christian World Conspires, and all the *Heathen* agrees as far as it is *known*; and which *Government* we have still found even in those *unknown* parts as far, and as fast as they have been Discover'd; that this all the while must be the worse Frame, only from it's being by so few rejected, and so generally receiv'd?

But to Convince any reasonable Soul unprejudic'd, that these Democratical *Devil's* wont stick to give their *God* the Lye, and set themselves a Contradiction to all History and *Truth*, this *Demon of Plato* (as an Ingenious Author and Answerer of his Diabolical Principles has Naturally nam'd him;) let him but consider this single Falschhood of his Factious Heart, tho that I believe fails him too, in asserting this Impudent Paradox: *That Moses, Theseus, Romulus, were the Founders of Democracies,* when for the *First* his own God, if he believe

believe any, and against whom he Rebels too if he do, had appointed *him* the Supream Ruler, and also a Judge, to lead them in their *Decampments*, and give them their Laws in the *Camp*, against whose absolute Monarchy he can object nothing but that they did not call him *King*, and yet even that is done too by those Primitive Rebels in the Rebellion of *Corah*; when they Expostulate with him for making himself *altogether* a *Prince* over them; that is, what our Modern ones call Arbitrary, Absolute; but even that is literally said, and *Moses* was *King* in *Jesurun*. And will our Murmurers at the Lords Anointed never be *Convinc'd* till they are *Confounded* with the *same* Fate, till Fire come again from *Heaven*, or they go quick down into *Hell*?

On the
morrow
Moses fate
to *Judge*
the people
Ex. 18.13.

Numb. 16.

The Survivors of those discontented Mutineers upbraiding *Moses* for *destroying* of that Rebellious Brood, whom God only in his Judgments had *destroy'd*, the Almighty would have Consum'd them too in a moment; neither was his Anger stay'd till Fourteen Thousand fell in a Plague, our Land has Labour'd under all these Judgments; but because
the

the Almighty's resentments of our Rebellious Practices; are not declar'd to us as of old, out of a Cloud, and he does not reveal himself now to his *Vice-gerent*, as then to his *Servant Moses*; and the Glory of the Lord descends not in a visible Brightness upon our Tabernacle, Must we therefore be so vainly blind as to think they were not sent us for those Sins that have most deserv'd them, our Conspiring against our Rulers; especially when the manner of our Punishments has been so Remarkably the same with their sufferings, as well as our transcrib'd Villanies the very Copy of their Crimes?

For that of *The few* we have the good Authority of an Authentick Historian that writ his Life, who tells us when he first went to reduce them to *one* City, and the Government of *ONE*; the Common *Ordinary* people were well enough pleas'd with his Proposal: And to those that were *Powerful* and *Great*, he told them his Government should not be altogether Regal, (*which in their Greek, was Tyrannical,*) if they would allow him for their King; this prevail'd he says upon them too, either out of
Fear

Plutarch.
 In Theseo.
 Remp. abs-
 que Regia
 dominati-
 one fore si
 Regem se-
 constitue-
 rent.

Fear of his *Force*, or the *Power* of his *Persuasions*; now can such a False and Factious Imposture, can such a Wretch Insinuate well his being no *King*, that calls himself so; and only because he Consulted their Opinions in *Weighty Affairs* make it a Democracy? then we need not contend here for a Republick, our King still Consulting his great Council in *Arduis Regni*.

And for *Romulus* his founding his *Rome* a Democracy, so far from truth that I defie him to shew the least shadow from any Colour of History for such a piece of *Imposture*; *Florus* in the very First line of his Prologue calls him *King Romulus*, and in the same tells us *Rome* in it's first Age and Infancy, for about two hundred and fifty years, was Govern'd by Kings: *Tacitus* too in his very first, Remarkable too for an unintended verse, tells us, that in the beginning 'twas Kings had the Government of the City of *Rome*; and afterward tells us this very *Romulus* Govern'd them *Arbitrarily* and at his will, *Sext. Aur. vict.* says he was the first *King* of the *Romans*, that he lead them forth against the *Sabines*; that he fought, and that he made a *League*

Lucius
Flor.
Hist. pri-
ma ætas sub
regibus fu-
it prope
250 per
Annos.

Tacit. An.
Lib. 1.
Urbem
Romam à
principio
Reges ha-
buere.

Sext. Aur.
de vir. Il-
lustr.

gue

Romulus
 ordein'd
 an 100 Se-
 nators,
 which
 grew to
 300, in
Fortescues
 time there
 were just
 so many in
 our House
 of Com-
 mons, *For-*
tescue, C.
18. fol. 40.
Coke. 4
Inst. C. 1.
 And had
 we there-
 fore then
 no King,
 their num-
 ber is *grea-*
ter now,
 and must
 therefore
 our Mo-
 narch be
less.

gue, which none I think but Kings by themselves can do; so that should it be allow'd, what is contrary to some of the very Express Words of our formention'd Historians, that *Romulus* was not an *absolute Prince*; yet still here is still matter, and Evidence enough to make him a *Monarch*, and the Government of *Rome Monarchical*: which surely Contradicts his extravagant Assertion, That it was a *Democracy*; unless he can reconcile the Contradiction of, *Sole Sovereignty* with the Government of a *nume-rous Senate*.

Another of his pretty Paradoxes is, that all *Empire is founded in Dominion and Property*; and that must be understood too of a Propriety in Lands; so that where a Prince has not a *foot* of Land, he can't have *twelve Inches* of Power, a Position that would confine some Princes Authorities in the Dimension of a *Span*; notwithstanding Kings are said to have such long Arms; but pray let this positive Politician tell me, How it comes to pass that the *Property* of an owners Land is so inconsistent with the *Prerogative* of a Prince over those very Lands that he *owns*, or why those that have the great-
 est

est Interest in this his *property* must presently have the greatest Portion too of Power and Property, in the Government; that is (only to contract his Absurdity) why the Peasant that has two Acres of Land, and the Prince that has but one, should not presently be prefer'd to be the Prince, and the Prince Condescend to be the Peasant? The *Question* might be soon answer'd with another *Quere*, Why this King cannot be as well Born an Heir to the Crown, as his Countryman to the Cottage, tho the latter commonly has Land about it when perhaps a Crown may have none; For certainly according to his Position, a King must have but an Insignificant Power, that has not a Foot of Crown-lands, and then to have it to any purpose, to extend his Empire over all his Subjects, the Hereditary Lands of the Crown; must by his own Rule necessarily make up more Acres than all the Kingdom besides; and as he observes, that within this 200 years the Estates of our greatest Nobility by the Luxury of their Prodigal Ancestors being got into the hands of *Mechanicks* or meaner Gentry, by his own *Platonick Dogma* these *Plebeians* must have the Power and Authority

rity of our Nobles; that is a Rich Commoner must presently run up into the House of Lords, and a Lord perhaps less wealthy descen'd into their lower-House, for they must allow their Lyes more power in our House of Peers, they being a Court of Judicature, which the other can't pretend too.

The Disorders, Confusions, and Revolutions of Government, that would ensue from the placing this Empire, and Power, only in Dominion and Property; which according to his own extravagant Position, I think may be better render'd *Demesn*, would be altogether as Great, as those absur'd Consequences of this Foolish Maxim are truly ridiculous; for we must necessarily have

All Lands
are medi-
ately, or
immedi-
ately held
of the King
as Sove-
raign
Lord.
Eliz. 458.
Ass. 1 12.

new Governours as often as a *new Demesn* could be acquir'd; for meaner Persons must have greater share too in Publick Administration's, as soon as they grow mightier in possessions: But besides this simple suggestion as full of Folly as it is, carries in it's self as much Faction too, it is but another Invention offsetting our Parliament again, above our King, and the making *him* according to their old Latin Aphorism, Greater than a single Representa-

sentative; and *less* than all the Body Collective; for he thinks it may be possible the King may have a greater portion of Land than any single Subject, but I am sure it can never be that he should have more than all; but this Sir *Politick Ramble*, has wander'd so much in the wide World, that his Wits are a straggling too; so full of *Forreign* Governments that he has forgot the Constitutions of his *own*. Is it not a receiv'd Maxim in our Law, that there is no Lands in *England*, but what is held mediately, or immediately from the King, that are in the hands of *Subjects*? does not himself know we have nothing of an *Allodium* here, as some Contend they have in *Normandy* and *France*? tho they too are by some of our best Civilians contradicted; and as great many Eminent Lawyers of their own tell us that the Feudatory Laws do obtain, and are in force through all the Provinces of *France* too; so that their Lands are there held also still of some superiour Lords; and he knows that our greatest Estate here in Fee, is not properly free, but held mediately or immediately of the King or Donor to whom it may revert;

Major singularis, minor Universalis.

Vid. Eliz.
498. Aff. 1.
18.

Duck. de
Authoritate, Lib. 1.
c. 6

Vid. Cook.
i. Inst. C. 1.
Predium
Domini
Regis est
dominium
directum
cujus nul-
lus Author
est nisi
Deus.

vert; and 'tis our King alone as our Laws still acknowledge that has his *Demesne* his Dominion free and holds of none but God; and our Lord *Cook* tells us, whom this Gentleman may Credit, as having in some things been no great Friend to the Monarchy as well as himself; yet that Eminent Oracle tells us that no Subject here has a *direct* Dominion, properly, but only a *profitable* one, (not much better perhaps than the Civilians *usufructuaries*,) and what becomes now of this Gentlemans & the peoples Power, & Empire, founded in *Dominion* and *Demesne*? must the King have the *less* Power over his *Tenants*, only because they *hold* the *more*, and can't he have a right of Sovereignty over the Persons and Estates of his Subjects without Injuring them or their property? or must his Subjects, according to this unheard of Paradox, as this their *Property* grows greater, encroach the further upon his Power and *Prærogative*? none but our *Elect Saints* must shortly set up for our Governours, and I know this Factious States-man can't but favour his Friends *Anabaptists* and *Quakers*, his absurrd Politicks here Extraordinarily suit with some of their
mad

made extravagant Principles, he lets them know, *Empire is founded in Dominion*; and they thank him, kind Souls, and tell him *Dominion is founded in Grace*.

Two or Three whole Leaves the Copious Author has allotted for the service of the Church and Clergy; and there we find the Devil of a *Re-publick* has so possess'd the Politician; that he openly declares against God and Religion, and his Atheistical *Paracelsus* that confirms his Brother *Brown's* Aphorism, to be none of his *Vulgar Error*; that 'tis thought their Profession to be so; I mean the Doctor in his Dialogue, interrogates his *Machiavel* what he thinks of our Clergy, why truly 'tis answer'd: *He could wish that there never had been any, the Christian Religion would have done much better without.* He presumes much it seems upon his own *Divinity*, but if that be no sounder than his *Politics* either of them is enough to send him to the Devil; and on he goes, in a tedious railing against the Frauds and Rogueries of our Church when 'twas *Romish*, all impertinently apply'd to the present, that is now so much re-

Page 98,
99, 100;

Page 98;

O

form'd.

He call's
ours a
mungrel
Church,
from it's
Innovati-
on he
means of
Ceremo-
nies.

A

form'd. But would not the most re-
fractory Jew, take this Snarling Cur, for
a Mungrel Christian, that libels that
only Church that maintains the Gospel
in it's greatest purity; and as a wise
Prince well observ'd the most reform'd
in the whole Christian World.

And 'tis no wonder now, that such
irreligious Impostors, who have so lit-
tle veneration for the Church, should
broach such pernicious Doctrines against
our State; to which, after so long and
preliminary Impertinence that half the
piece is made a Preface, the Courteous
Traveller is at last arriv'd. And first he
begins with their old Factious assertion
that the Sovereign power of England is
in King, Lords, and Commons, making
his Majesty but one of their three
States: we all know when this per-
nicious principle was first set a foot, what
it terminated in, BLOOD, and that in
the Destruction of the best of Govern-
ments, with the best of Kings; we quick-
ly saw, when once they had made their
Prince Co-ordinate, they soon set up
their own Supremacy, and then as soon
made him none at all. Did this prophe-
tick Demon foresee from his Astrologi-
cal

cal Judgments, that his House of Commons were drawing another Scheme of Rebellion, and that they had prepar'd a draught of a second Covenant not only for making our King *Co-ordinate* but *Levelling* the Monarchy with the Ground; yet 'twas convincing enough to me before that the broaching of the very same principles, did us really design the same subversion of the State; this Plot might as well have been seen in 80. when this Author and as great Incendiaries appear'd in publick, and so popular; and well might a late House of Commons animadvert on our Judges for suppressing such Seditious Libels, which were so *Zealously* kind, and impudently bold, as to set up *their* Supremacy, it had been ingratitude not to stand by those Villains that for their sakes had forfeited their Necks.

This very same Principle of the Subjects Sovereignty was Printed, and publish't in 43. preparatory for the Covenant, which the Commons had then call'd for out of *Scotland*; and up rises this Ghost again in 81. as if even then it had heard, (for Spirits are very Intelligent) of an *Association* talk't off in *Parliament*; but I'll tell him in short why

the *Sovereign Power of England*, is not in *King, Lords, and Commons*; because *King, Lords, and Commons* are not all *Sovereigns*, may not our Monarchy be call'd *Mixt* in Opposition to its being *Absolute*, and *Tyrannical*; without making it a meer *Hotch-potch*, that if our King will have any thing of his right of a *Sovereign power*, he must put it in Medley with that of his Subject, as our Sisters are oblig'd in *Co-parcenary*: But tho he take his *Treasonable Maxim*, for *Reason*, and *Truth*, without shewing the least *Law* or *Reason*, I shall shew him from all of them, that it is both *Irrational*, *Illegal*, and a *Lye*.

First, 'Tis against Reason to Imagine there can be *three* such Powers *Co-ordinate* to make up *one* *Sovereignty*; and that our King can at the same time pass for a *Monarch*, for *Sovereignty* is inseparable from a King, and that's the Reason without doubt we promiscuously call him our *King*, or *Sovereign*; and if our *Lords and Commons* will assume it, they may ee'n take the *Crown* too; we saw how the participation of a *Sovereign power*, tho it was but in

The King calls them,
Adjourns, Dissolves
them at his pleasure,
and this long Practices
prov'd from the Chron-
icles of our Land and
its Fundamental Law.
Speed, 645. 4. Infl.
27. 2.

in a shadow, and that by him that had a better pretence for the Sovereignty than all the Common Subjects can have, by being the Crowns Heir, was like to have unhinged the very Monarchy it self in the Reign of *Henry* the Second; and rais'd such Commotions in the State till it was almost overturn'd: And I am sure we have found, and felt, that this Co-ordinacy of their three States, terminated at last like the participation of that Co-parcenary Prince, into an insolent demanding of the *whole*, and what they had made but *half* the *Kings*, they soon made *all* the *People's*; until the Government was quite run of the hooks, and the Nation engaged in an unhappy War, and a down-right Rebellion.

Does not the very *Esymon* of Monarchy it self express the *sole* Sovereignty of that Government they would make so preposterously *Mixt*, and even *Archon* alone, which was the next Titular Appellation, the Loyal *Athenians* gave to the Son and Successor of their Matchless *Codrus*; only because they thought that no Succeeding Prince could deserve the Title of *Tyrannus*; which they made to terminate with him, only because they

Medon.

Sidney,
whose ve-
ry Motto,
Manus hæc
inimica
Tyrannis.

they presum'd his goodness surpass imitation. Tyrant then was not apply'd, as some of our loveterate Traytors have done it since, in it's Corrupted sense, (tho to the most merciful King,) for a *Tarquin* or *Caligula*; yet even this word *Archon* without addition of *Sole* that *Mov's* that has since succeeded to make it *Monarch*, was then an *Absolute* Government of one amongst the *Athenians*, and continued so in the same Family for a long Season; till at last by popular encroachments it was made *Annual*, and this Contender for this Co-ordinate power of the People, has expos'd his Damnable designs so plainly to his Disputants, that his own Conscience and Soul upbrai'd him for the Villany, and makes his *Venetian* interrupt him for making an *English Monarch*, but a *Duke of Venice*; tho the Doctor, the Pontæus of the people, that sucks up all the Poyson of Rebellion, like that of *Toads*, only for the Tryal of his Skill, and then thinks to cheat the Devil with an Antidote: He politickly opines however, that he has made him too *Absolute*, if ever there were a medley of more Malitious Villains met to Libel a Government I'll forfeit my Neck

Page 114.

Page 105.

Neck too it, as well as they ; Heaven and Hell must be reconcil'd (which without a Recantation, will be so for their Confusion) before these their Contradictory defamations can be made consistent : But in this the Politick Rebels agree, to secure an *Odiū* upon our Monarchy in both extremes ; and making the most opposite Objections serve for one and the same purpose, it's absoluteness and Tyranny must make it all Bug-bear formidable, frightful, at the same time that their holding the Reins shall render it all Hobby-Horse, Ridiculous and Contemptible.

Secondly, I'll shew that this their confounded principle of perfect Confusion, is not only against the Fundamental Law of the Land, but against the sense of every Law, that ever was made in it. Every preamble, of an Act ; and that of every Proviso there, runs with A, *Be it Enacted by the Kings most Excellent Majesty, by and with the CONSENT of the Lords Spiritual and Temporal, and the Commons in the present Parliament Assembled.* And then let any sober person Judge where lies the *Sovereignty*, would it be suffer'd to be thus exprest were they

It is no Stat. if the King assent not, 12. H. 7. 20. H. 8.

not satisfy'd they were not *all Sovereigns*, or if they *were*, ought it not according to this Rebel and Republican, run, We the *King, Lords, and Commons* Enact, but I'll let him know how and what the Libertine would again have that Enacting part of an Act of Parliament to be, tho the Politick Knave, fear'd it was too soon yet to declare plainly for an Usurpation, *viz.* Be it Enacted and ordained by his Highness the Lord Protector. Or the Parliament of *England* having had good Experience of the Affection of the people to this present Government, by their ready Assistance in the defence thereof against *Charles Stewart, Son of the Late Tyrant*, and his Forces invading this Nation, *do Enact, &c.*

That our Kings in the time of the *Saxons, Danes*, and some part of the *Normans* had more absolute Power over their Subjects, than some of their Successors since, himself can't deny, the Charter of Liberties being made but in the Reign of *Henry the Third*; and when the People had *less* of Priviledges, the Kings must be supposed to have had *more* of Prerogative; therefore we shall examine only what and where the *Supremacy*

An Act.
March
1657.
Vid. Act
of Obliv-
ion, 51

*premac*y is at present, and where the
Laws of the *Land*; not the *Will* of the
Prince do place it. In the Parliament
 that was held at *Tork* in *Edward* the *Se-*
conds time, The *Rebellious Barons* that 15. Ed. 2.
 had violently extorted what *Concessi-*
ons they pleas'd from the *Crown*, in *His*
 (like those in the three foregoing *Reigns*,
 when they seal'd almost each *Confirm-*
ation of their *Charter* in *Blood*;) were
 all censured, and condemn'd, and
 the encroaching *Ordinances* they made
 in those *Times* all repeal'd: Because
 says the Statute, *The Kings Royal Power* Great
was restrain'd, against the Greatness of his Stat. Roll,
*Seignior*y *Royal, contrary to the State of* 26. H. 3.
the Crown, and that by Subjects Provisi- to Ed. 3.
ons over the Power Royal of the Ancestors 1. Ric. 3.
of our Lord the King, Troubles and Wars Exact A-
came upon the Realm: I look upon this bridg. fol.
 as an absolute *Acknowledgment* of a 112.
Royal Power, which is sure the same
 with his *Sovereign*; sufficiently distin-
 guisht here from the *Parliaments*, or
 the *Peoples* co-ordinate *Supremacy*, for
 those condemn'd *Ordinances* were lookt
 upon as *Usurpations* upon the *Kings*
Supremacy, which they call the *Power*
Royal of his Ancestors, and not as our
 Author

Author would have too, of the Sovereign power of *Lords and Commons.*

1. R. 3.

At the Convention of the *three Estates* first of *Richard the Third*, where the Parliament call themselves so; themselves expound also what is meant by it. And say it is the *Lords Spiritual, Temporal, and Commons* of this Land assembled in present *Parliament*; so that we have here the whole three States, besides the King, owning themselves such, without assuming to themselves a Sovereign power: recognizing the Right of *Richard*, and acknowledging him the Sovereign: And tho I shall for ever condemn, as well as all Ages will, their allowing his *Usurpation a Right*, which was an absolute wrong; yet this is an undeniable Argument, that then they did not make their *King Co-ordinate* with themselves; made themselves, declared themselves, three States without him, and acknowledged their King the Sovereign and Supream.

24. H. 8.

That Act that punish't appeals to *Rome* with a premunire in *Henry the Eighth's* time, gives this Reason why none should be made to the Pope, nor
out

out of the Kingdom; because the King alone was *only* the supreme head in it: It tells us expressly, That England is an Empire, that the King the Supreme Head has the Dignity, and Royal Estate of the Imperial Crown, unto whom a body Politick divided into *Two* and Names of Spirituality and Temporality, been bounden owe next to God, humble Obedience, &c. Who has furnisht him with Plenary, Entire, Power, Preeminence, Authority, Prerogative, and Jurisdiction: Here his Body Politick is divided into *Spiritual*, and *Temporal*, here he is called the *supreme Head*, and here I think is a full Recognition of his *sole Sovereignty*: And 'tis strange that what a Parliament did in Opposition to Popery, should be so zealously contradicted by such Sycophants that pretend so much to oppose it.

In the next place, he tells us of an error he lay under, that he thought our Commonalty had not formally assembled in Parliament, before *Henry* the *Thirds* time; but of that now is fully
Page 103.
 convinc'd, by the Labours of some learned Lawyers whom he names, and lets them know too how much they are obliged

lized to him for the Honor : But I suppose he reads but one sort of Books, and that such as suit with his Humor and Sedition, and of that Nature he can meet with Variety ; for I dare avow that within the space of six years, all that ever *was* or *can* be said against the best of Government ; *our own*, all that *was*, or ever *will* be rak't up for justifying a Rebellion, and restoring a Republick, from falsified Roll, and Record ; from perverted History, and Matter of Fact ; by Pens virulent, and Factionous, with all the Art and Industry, and whatever thought could invent for its Ruine and Destruction, has been Printed and Publisht ; such an Universal Conspiracy, of Men of several Faculties, each assisting with what was his Excellency, his Talent in Treason, which seemed to be the Task-Master of the Town, and Monopolizer of Trades.

But our Politician might return to his old Opinion again ; did he but consult other Authors, I believe as learned Antiquarians ; I am sure more Loyal Subjects : who can shew him that the Saxons Councils call'd the *Witena Gemotes* had in them no Commons : That the

the Conqueror call'd none of them to his great Councils, none in those of his two Sons that succeeded, nor none in any of the Parliaments down to *Henry the Third*; my Lord *Coke* tells us of the Names this Parliament had before the Conquest, as *Sinoth*, *Michel*, or *Wite-na Gemote*, which he says implied the Great Court or Meeting of the King, and all his *Wise Men*. And also sometimes of the King with his Council of his Bishops, Nobles, and the Wifest of the People; and unless from the wifest of the People, and all his *Wise Men*, they can make up an House of Commons; I am sure from this Authority, they can have no proof, and from *Wise Men* can be gathered nothing, but such as were Noble, or chief of the Realm; for the meaner sort, and that which we now call the Commonality, were then far enough from having any great share of Learning, or common Understanding; and then besides these *Wifest* of the People were only such whom the King should think *Wise*, and admit to his Council, far from being sent by their Borroughs as elected Senators, King *Alfred* had his Parliament, and a great one

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Institutes
Lib. 2d.
C. 10. T.
Burgage.

was held by King *Athelstan* at *Grately*, which only tells us there were Assembled some Bishops, Noble-Men, and the Wise-Men whom the King called, which implies no more then those he had a mind should come.

But the Antiquity of a Parliament, or that of an House of Commons is not so much the thing these Factionous Roll and Record Mongers contend for, 'tis its *Superiority*, *Supremacy*; and there endeavours to make them *attient* is but in order to the making their Power *Exorbitant*, and not to be controul'd by that of their King; whom in the next place, this *Re-publican* can scarce allow the power of calling them at his Pleasure, and dissolving them when he pleases: But so great is the Power of Truth, and the Goodness of the Cause he Opposes; that he is forc't to contradict himself to defend his Paradoxes. For he tells us the King is obliged with an *hear-say* Law, which his learned in the Faculty and Faction can't find out yet, to call Parliaments as often as need should be, that is they think fit: And also not to dissolve them till all their Petitions were answered; that is, till they are willing

willing to be gone: But then will I defie the Gentleman to shew me the difference between this their desired Parliament and a *Perpetual sitting*: do not these industrious Endeavours for such a perpetuity of them plainly tell us, 'tis thats the only thing they want, and that they are taught experimentally; that, that alone run the three Kingdoms into absolute Rebellion, and ruined the best of Kings: and can as certainly compass the Destruction of the present: But I'll tell the lump of Contradiction first the words of our greatest Lawyer, and then his own, *Cooke says, none can begin, continue or dissolve a Parliament but by the Kings Authority*: Himself says *that which is undoubtedly the Kings Right is to call and dissolve Parliaments*. 'Tis impertinent to labour to contradict that which he here so plainly confutes himself, the *Statesman* being so big with his Treasonable Notions, so full of his Faction that his Memory fails him, makes him forget his own Maxims, and makes his subsequent Pages wrangle with the Concessions of those that went before.

4. Insti.

27. 2.

1. Inst.

Sect. 164.

Plato Red.

Page 105.

His

Page 107.

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Ibid. page
108.

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 expounded clearly what has, may, and must be done in such Conjunctions; that is, to your Arms. He tells us after they had obtained the framing of their *Charters*, and I think they were as much as the most condescending *Monarchs* could grant, or the most mutinous *malecontents* require; Then arose another grievance unseen and unprovided for: This was the *Intermission of Parliaments*, which could not be called but by the Prince, and he not doing it, they ceased for some years to be Assembled; if this had not been speedily remedied, The provo-
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25. Ed. 3.
Plat. pag.
109.

king Rebel, (for certainly he is as much so, that Animates a Rebellion, as he that is actually engaged in-it, and is by Law so declared) tells us the *Barons* must have put on *their* Armour again, and the brisk Assertors of their Rights, not have acquiesc'd in this Omission that ruined the Foundations of the Government: After all the kind Concessions of the Prince, the putting him upon that which was the taking away of the very remains of Royalty, puts me in mind of one of our late Expressions of a popular Representative, that could declare in open Assembly, as attested by some of the very Members of it, that tho this their *Bill of Exclusion* were past, (which was more we see than the most mildest Monarch could grant, or even our House of Peers, sure the better part of our Nation; could in Modesty require;) yet still there was *more work to be done, and a Reformation to be made in the Church, as well as the State*: The Patriot was prepared to lanch out in such kind of Extravagancies, and told the *truth* of the Plot before his time, had not calmer Heads interposed and cool'd his *hot one* into common Sense:

Sense: several of the Speeches spoken in Parliament, for which its Publisher deserves to be Pillor'd, if not Authentic and True; and brought before them on his *Knees* at least for his Presumption if they are: It being here as Criminal to Print *Truths* at all times without an *Imprimatur*, as 'tis to tell it without leave, even in several of those Speeches Publisht in that Paper. I reflected on in the beginning, where the Pedantick Author has exposed me in the Tail of his History, that lookt like the Narrative of a Rump: There are as bold Expressions, of as dangerous Designs; for at the end of one of their Harangues, the *beginning* of which is only marked with *R. M.* and its Author may be loth to let any more Letters of his Name to be known; you have these following Lines; *If at the same time we endeavour to secure our selves against Popery, we do not also do something to prevent Arbitrary Power, it will be to little purpose; I think nothing can prevent that better than frequent Parliaments, and therefore I humbly move, that a Bill for securing frequent Parliaments be taken into Consideration, can any thing be more Expressive than that the Bill so*

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much clamour'd for, was only the *burden* of the *Song*, and that the *Ballad* it self must have been all to the *Tune* of 41. when *Arbitrary Power* never ceased its Cry, till the Parliament was made *Frequent*, its *Frequency* never sufficient, till *standing* and *perpetual*; which proved too as dangerous as a *standing Army*; never restless till it had really raised one too; and the Kings Head from his Shoulders; and can these worst of *Criminals* make it a *Crime*, to make the Nation *fearful* of Parliaments, when there are such *Speech-Makers* in it: I shall to such *Accusers Faces* defend them to be *formidable*, not out of any *Apprehension* of fear for my self; for whenever such a *Seditious Senate*, their *Commons*, become dangerous again to *good Subjects*, the *safety* of the *Government* must be but in as *bad Condition*: But it may well terrify even a *Crown'd Head*, and frighten him from their *Frequency*, when some of their most popular *Members* have been since found in an actual *Conspiracy*, for pulling the *Crown* from it; when the mighty *Three*, has made up a *Triumvirate* in *Treason*, as well as part of the *Parliament*: And been tryed *Legally*, sentenced *Justly*, and suf-

Hunt in
post. pag.
92, 93.

Russel, Sid-
ney, Ar-
strong.

suffered publickly for Traytors.

Sir. G. H. I do agree a Bill for Banishing Papists may do well: But I hope if you Banish the Men you'll Banish some Women too, consider how to prevent the Royal Family marrying Popish Women; --- No man can doubt but the Protestant Interest has been much prejudiced by his Majesties marrying a Princess of that Religion, Popish Instruments having sheltered themselves under her Protection: The Country Gentleman wanted the Civilities of the Court being a declared Enemy to all Ladies; but this shows plain their aims were beyond that of the Duke, and that it was the Sense of some of the House, the Queen was in the Plot, as well as the Opinion and Asseveration of Oats his Oath, against his exprest Testimony given before, Sir E. H. --- Have we not ordered several good Bills to be brought in for the securing us against Arbitrary Power; and shall we now lay aside all those, and be content with the Exclusion Bill only? which I think will be worth nothing unless you can get more, and what some of those more are is explained in the next Oration to it, W. G. ----

I do admire no body does take notice of the standing Army, which if not reduced to

Ibid.

page 3.

Page 2.

such a Number as may be but convenient for Guards, and limited as they may not be encreased: All your Laws signify nothing; the words of that Hellish Association only differ thus, when they swear more modestly only to endeavour entirely to disband all such Mercenary Forces as are kept up in and about the City of LONDON.

These are some of the very Words as our Author relates them as they were spoken in his House of Commons; I do them only that Justice, that this Historian has done to their Honours, or they to themselves: so if these accounts are Authentick; (tho I remember when dangerous to Question even the Authority of an unlicensed piece of Sedition;) then we see that many of our late malecontents of the Commons, as well as our Plato's *Rebellious Barons*, were not like to be contented any more with our Kings granting them all the security themselves could ask for their Religion; then these Imperious Lords, were after all their Liberties were fortified with an extorted Charter, and made as firm as Fate, on their foresight could provide. But that nothing would satisfy, unless both

both lopt off the best Limb of their Prerogative, and allowed them to have Parliaments, *without Intermission*; or at least *frequent* enough for an Usurpation of all the Power that is Regal; for as the Doctor of Sedition observes, upon the Kings being allowed to Call and Dissolve them, That our *Liberties and Rights signify just nothing*: So might *Page 105.* also this *politick Pis-poz* have remarked, That when once it comes to the Power of the People to summon themselves; or sit so long a Season, till their own Order shall determine the Session; that truly their *Venetian Doeg* would be a Prince to the Monarch of *Great Britain*, and we should soon have less left of a King in *England*, than such implacable Republicans have of Loyalty; for I am sure we must in reason have better Ground to dread those dangers; and utter Subversion of the State from their *too much sitting*, that has been experienced, than they for that panick fear of Tyranny from their *being so often Dissolved*, which they never yet felt.

But to see the boldness of such Villains for encouraging an Insurrection: The *briskness* of their *Barons* that rebel-

ed ; for a Charter, and frequent Parliaments, was most providentially brought upon the Stage, when they knew they had forfeited most of their own by their Faction ; and made their House of Commons, from their obstinate proceedings, not likely to be soon summoned when once Dissolved : so that here was a plain downright Encouragement of a resolute Rebellion as Occasion should serve ; and letting the People know they must put on their *Armour* as well as the *Barons*, and be as brisk upon *Intermission* of Parliaments. How far this good Exhortation encouraged an Assassination of our Sovereign, and the succeeding Plot, may be gathered from their attempts to put it in Execution ; and for which both Author and Publisher Merit full as well the Fate of those that dyed for the *practising* those Principles that they the more *primitive* Traytors had instill'd. In short, to insist no longer on this black Topick of plain Treason, With what Faith and Integrity, with what Face and Countenance, can he call that perfect Conspiracy of a parcel of Faithless Peers, a *Defence of the Government*, that for almost forty Years laid the Land all in

in Blood? and with their Witchcraft, their sorceries of Rebellion, that *briskness* as he calls it, of *putting on their Armour*, made it imitate an *Ægypt's Plague*, and Anticipate the very Judgments of the Almighty, by *purpling* her Rivers with the *Slain*? can the *Defence* of a Kingdom consist with its *Destruction*, or those be said to stand up for their Country that invited an Invader, and swore Allegiance to *Lewis* a *Frenchman*, against him that was their Liege Lord: I am sure this was making over their Faith to a Foreigner, and many may think it as much to be condemned as that of their King his Crown to a *Saracen*: especially when that by some Historians is doubted; but their falsehood's confirmed by all: Then was our *England* like to have been *truly France*, which they now but so vainly Fear.

In the next place, he is pleased to grant the *Militia* to be *in his Majesty's Power*; But 'tis only until such a sort of Rebels have strength enough to take it out; for he tells us the *Militia being* Page 116.
given but for an Execution of the Law, if it be mis-imploied by him to subvert it, 'tis a Violation of the Trust, and making that
power

power unlawful in the Execution : And that which shall violate this Trust, has he reduced to three of the most Villanous Instances, that the most Excrable Rebel could invent, or the most bloody Miscreant conceive, the Murder of three Kings by their Barbarous and Rebellious Subjects : And in all three their strength and Militia were first taken away, and then their Lives ; first he tells us Edward the second forfeited his Executive Power of the Militia ; In misapplying his revenue to Courtiers and Sycophants : Richard the Second for preferring Worthless People to the greatest places. And Charles the First, in the Case of Ship Money, can now the most virulent Democraticks hug such a piece without Horror at its Inhumanity? or the vilest of the Faction preserve it from the Flames : can those popular Parliamentarians, and the most mutinous of all our murmuring Members, of whom my self have known some that could Countenance this very Book ? can they here defend insinuated Treason, when Stanley dyed for a more Innocent Innuendo ? but if Faction has forc't from their Souls the poor remains of Reason, will Humane Na-

Ibid.

*Stanley's
Case H. 7.*

Nature permit such precedents to prevail, that terminated in the miserable Murder of as many Monarchs? 'Tis remarkable, and 'tis what I remember; these very Papers were Publish'd near about one of their late Sessions wherein they were nibbling again at the *Militia*; and could so merciless a Mischief be put in the pocket of a Member of *Parliament*, much less then into his *Heart*, and drop from his unadvised *Lips*? can those that come to give their *consent* for the *making* Laws, be thus Ignorant of those that are already *made*? has not the *Military* power, for above this 500 years been absolutely in the Crown? and almost by their *Parliament* it self declared so in every Reign, was it ever *taken out*, but when they *took* away the *Life* of their King too? was ever his *Head* protected from Violence, when this, the *Guard* of his *Crown*, was gone? or can any *Hand* long sway the *Scepter*, when it wants the *Protection* of the *Sword*?

1st. *Edward 3d. Chap 3.* The King willeth that no man be charged to Arm himself otherwise than he was wont in the time of his Progenitors Kings of *England*,

1 Edward
3. 1 C. 3.

2 Hen. 7. *England*, In H. 7. declared by *Stat.*: All Subjects of the Realm bound to assist the King in his Wars. Queen *Mary* and all her Progenitors acknowledged to have the Power to appoint Commissioners to Muster her Subjects, and array as many as they shall think fit: The Subjects holding by Serjeantry heretofore all along to serve their Sovereigns in War in the Realm, and a particular Act obliging them to go within or without, with their King; He and only He has the ordering of all the Forts and Holds, Ports and Havens of the Kingdom, confirmed to this very King, and Cook tells us no Subject can build any *Fortress Defensible*, Cook Litt. p. 5. And since some of our late Members of the lower House were so tickled with this Authors soothing them with the Kings *Executive Power of War forfeitable*; I'll tell them of an Act expressly made in some Sense against their *Assuming* it; and for another Reason too; because some mutinous Heads would argue to my Knowledge for their Members coming armed to the *Parliament at Oxford*; and which was actually done too by *Colledge* and his Crew.

It

This Commission was in force, Rot par. 5. H. 4. n. 24. repealed by this 4. and 5. of P. M. but this repealing Stat. is again repealed Jacob. 1. and so of force in this King, now, as well as when they deny'd it to his Father. 2. Ed. 6. 2. C. 2d. Cook 2. Inst. 30. Car. 2. C. 6.

It was made in *Edward* the First's time, and expressly declares that in all *Parliaments, Treatises, and other Assemblies*, every Man should come without *Force*, and *Armour*; and of this the King acquainted the Justices of the Bench: and moreover that the Parliament at *Westminster*, had declared that to us belonged straightly to defend *Force of Armour*, and all other *Force* against our *Peace*, at all times when it shall please us, and the Judges were ordered to get it read in the *Court*, and enroll'd. And now can it with common Reason or Sense be suggested, that the letting *Favourites* have some of the *Treasures* of the *Kingdom*, or Courtiers, as he calls it, the *Revenue*, or the preferring of such Persons as they shall think *Worthless* and *Wicked*, which with such Villains as himself are commonly the most *deserving*; that *this* shall be a sufficient *violating* (as he terms it,) of a Kings *Trust*, to the forfeiture of his Power of putting the *Laws* in Execution, with which the common consent, of almost all the *Laws*, and *all Ages*, have invested their King, as an *absolute, Inherent, singular Right* of the Crown. Certainly such an Opinion is as *extravagant*,

gent, as *Treasonable*, and could enter into the *Head* of nothing but a *Madman*, the *Heart* of none but a *Traitor*.

Next we meet with another Assertion as false as *Hell*, and then its clear contrary nothing but the *God of Heaven* is more *True*; He tells us, (after having hardly allowed His Majesty a *Negative Voice*, at least as such an *Insignificant* one, as not to be made use of) That 'tis certain nothing but *denials* of *Parliamentary requests* produced the *Baron's Wars*, and our last *dismal Combustions*; when I'll demonstrate to him, as plain as a *Proposition in Euclid*, that nothing but their too gracious and unhappy *Concessions*, to their perfidious and ungrateful Subjects, made those mighty *Monarchs* miscarry: read but any of our *Histories*, tho' pen'd by the most *prejudiced*, and those that ware at best but moderately *Popular*, of our first *Civil Wars*. The *Barons*, *Daniel* that speaks most commonly as much as the *Peoples* Case will bear, tells us his thoughts of those unhappy *Dissentions*, that neither side got but *Misery and Vexation*: We see that notwithstanding as often as their *Charter*, and *Liberties* were *confirm'd*; not-

Plat. pag.
124.

Daniel 53.
H. 3d.

notwithstanding all the Concessions of those two *yielding* Monarchs, still more K. John. Henry 3. was demanded. The Charter in *Henry* the Third's was no sooner several times confirmed in one year, but in the next ; presently they fell upon his Justiciary, *Hugo de Burg.* and he must be removed, Vld. Stow page 183. or they threaten to do it with the Sword ; Then the poor Prince complies and sends him to the *Tower* ; Next the Bishop of *Winchester* is as great a grievance as the Chief Justice was before, for bringing in the *Pitavians* ; and unless all those are put from him they tell him plainly they'll depose him from his Kingdom, and create a new : The Bishop is sent away and those *Pitavians* expelled ; but still were there more grievances, and as soon as *one* was removed, be sure *another* would be found out ; and the true perfect Occasion of those Intestine Broils was rather the Concession of King *Henry* in his Youth ; they having been used with so much Compliance in his Minority, that being emboldened afterward with Age he grew too much a *Sovereign* to be overaw'd, or overreach't by his *Subjects* ; and they having been accusom'd not to be oppos'd

pos'd in their encroachments on the Crown, which they had been long Habituated to, he being Crown'd an Infant and they having the fresh Precedent before them with what arrogance they us'd his Father *John*, upon any the least denial betook themselves to the Sword, for this you'll find; if Occurrences of those Times be but Impartially examin'd: and for his Second Instance of our late Kings time, his abominable *Falschood* so far from *Truth* that not only *Narrative* and *Record*, but the very *Memory* of man can give him the *Lye*; did he not grant them, these very *Villains* insolent demand *Parliaments* at last without *Intermission*? was there not a *Triennial* one first *Insolently* demanded, and as *Graciously* consented to? was not that as *ungratefully* thought *insufficient*, and nothing could *satisfy*, till unhappily settl'd during the pleasure of the two Houses, an Act of *Concession* which the poor Unfortunate Prince could himself call, (as indeed it was) *unparallel'd* by any of his *Predecessors*; nothing but their *Ingratitude* could equal so much goodness, and only for bettering of theirs, the Wretches resolv'd his own affairs should be the worse,

ΕΙΣ ΤΗΝ
ΒΑΣΙΛΕΥΣ

worse, what punishment would the Law have found for such *Monsters* of Ingratitude, that punish'd once all *Common Offenders* in it with *Death*? were not his Gracious Answers at last to the *Propositions*, so full of *Concession*, that some of the Cannibals that thirsted for his Blood, could Vote it a *Ground for the House to proceed upon for Peace*. Lastly had he not granted to his *Inveterate Foes*, whose *Necks* were forfeited to the Gibbet, the *Heads* of some of his *best Friends*, till he had none left to dispose of but his *own*, and that at the last must be brought to the *Block*. And can such an impudent *Demon*, the very spawn of the *Father of Lies*, thus confidently now declare that *obstinacy*, *Denyal* in the late King was his Ruin; but his misery and misfortune, has *unhappily* left tho' for us *happy* (could a Nation be said so under such a loss) *such* Politicks written in his Blood, that all those of *such* Rebels and Republicans can never undermine.

In the next place the State Empirick comes upon the Stage and that only to vilify our Court of *Chancery*, which with all Persons that can but distinguish *Equity* from the *Rigour* of the Law, must

Q

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Vid. Jour.
5. Decemb.
1648.

Plat. pag.
130.

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For more of this Courts power & practise, see *Totibill & Carus Reports*.

But that which is *more* Ridiculous and False, is his Foolish fear of Injustice from such a single Judge sitting in the Judicatory, and his Impudent assertion that never any *Country in the World* had such a way of Judging. For the first, (should we not consider the prudence and Integrity of that Honourable Person that presides in it at present whose Equitable determinations were sufficient to supersede and silence such a silly suggestion) it is morally impossible there to meet with *Injustice*; where nothing is decreed but upon a *Fair*, and *Full* Examination of

The Chancellor hath two Powers one absolute, the other ordinary; by the first he is not ty'd as inferior Judges or limited by the Letter of the Law. Vid. *Stamfor. Prærog. Cap. 20. fol. 69.*

Q 2

Witnesses

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Vid. Stow

page 183.

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Law. Vid.
Stamfor.
Pratog.
Cap. 20.
fol. 69.

Q 2

Witnesses

Witnesses and the Judges hearing what can be alleaged by Counsel on *both* sides. All the Panick fear that Alarms him, is that the *Prince* (for such is the Malice of a *Republican* that nothing can be thought *Wicked* enough for a *King*,) may put in a Person that may Act against *Right* and *Reason*, carried away by *Passion* and *Prejudice*, and at best but a Tool for the State. If the possibility of such vain suggestions shall prevail for an Extirpation of an Officer of Justice *Co-eval*, if not *before* the Conquest, and still Recorded for his *just* Administration, I will allow what can't well be granted, this Emperick to pass for a Politician, and the same Monumental Folly, will serve for as Ridiculous Objections against all other *Courts* of Judicature, where the King, has the power of placing in it whom he pleases; and they all Subject to the Passions and Infirmary that any single person, and in their Breast too lying all the Decisions of any *Contrived* Law. But that such a *single* Judge sitting in Judicature, such a Tribunal is scarce in any Country of the World, is most absolutely *FALSE*; the *Civil*, the Law of *Nations*, and that of almost *all* the

Polldore
Virg.
makes the
Chancel-
lor only
Coazul
with the
Conque-
ror, but
mistakes
in that too
as well as
others.
Mr. Dug-
dale shews
us they
were long
before In's
Orig.
And so my
Lord Coke
also in his
4 Inst.

the *Civiliz'd* part of the World has no other Method in deciding *Civil* causes. Their *Libels*, are but Bills of *Plaint*, as in this the *Subpœna* requires the Defendant's appearance at a certain day in Court, by them a Day in Court is assign'd him to Answer, their *Replications*, *Exceptions*, here are *Answer* and *Demurrer*. They pronounce *Contumax* and *Ex-communicate*. Here goes out Attachment and Commission of Rebellion, through the whole process the same Practice observ'd the same Rules as in all *Foreign* Courts of *Civil* Judicature; where the *Decretum finale*, or *Sententia Definitiva*, is in the sole Breast of a single Person as our Common Decrees in *Chancery*.

But what is the Law of all Nations will be soon *Rebillionously* Condemn'd, by those that can't bear with our *own*; and are so truly Licentious that they would live without any: But for that Justice of the *Venetians* which he extols so much in opposition to our *own*, his *Republican Soul* would be loth to venture there it's *Human Body* notwithstanding it's Equal *Distributive* Justice, which he would make *Arithmetical* too, by making it so exactly proportionable to the

Q. 3

Crime,

Certain
It is that
both *British* and
Saxon
Kings had
their
Courts of
Chancery.
Coke 4.
Inst. C. 8.
Vid, *Mirror*
C. 1.
§. 3. *Glan-*
vill, lib. 12.
C. 1. *Fleta*
lib. 2. C.
12.

Crime, should he be found there as great a Criminal against *that* State, as his Publisht Treasons have here render'd him to our own, he would hardly come to *know* his *Fault* there till he came to feel the *punishment*, and would find a *Banditi* with them to make the best *Executioner*; 'tis *there* Sedition, and the *Defamation* of the Government is punisht as soon as *Information* is receiv'd, and that with nothing less than *Death*, and commonly *drowning*; no Tryal *per Testes* and Examnants, but Ferry'd away in one of their *Gondola's*, which must prove your *Infernal Boat* too, and the first sight of your *Sin* is with that of a *Confessor*, and a *Hangman*, and these sure must be most Malicious, Inveterate Villains, that can commend *such* Judicatures that are rather *shambles*, for *Butchery* and *Murder*, before those of their own Nation; where a *Penny* property can't be taken away without a Tryal *per pares*, and the *Law*, much less their *Life*. But if our Republican when he commends so much the Justice of that State, means only what is distributed in their *Decemviral Council* which is the *Supream*, let him for a Confirmation of his

his *Error* and *Folly* Consult only the Case of *Antonio Foscarini* one of their own Senate; whom upon the bare Testimony of too profligate Russians, that he held correspondence with the Spanish Ambassador, (which with any foreign one for a Senator is their *Death* by the Law,) without any Collateral or Circumstantial Proof, without seeing his Accusers, was seiz'd, muffle'd up, clapt in a dark Dungeon, and in a few days sentenc'd to be *strangl'd*, and which was done accordingly; the Conspiracy of the Witness was soon afterward detected, his Innocency declar'd; and the poor Gentleman for want of a *due* process at Law, plainly *Murder'd*; and all the Conviction I wish to such unjust reproachers of the Constitution of any of our Courts of Judicature, that they may never have the benefit of those Laws they *Condemn*, and only have the *Fate* to Fall by that *Justice* of the Republick they so much extol.

The Villains that sign'd the Warrant for our late Kings Execution; did not more Sacrifice his *Person*, than this Impious Wretch has *Murder'd* him again in *Effigie*, with a redoubl'd Cruelty, to

Q 4

blast

Vld. Reliq.
Wotton
p. 307.

Pages
167, 168,
169, &c.
Vld. Jour-
nal.

blast that unblemishable reputation; which if Dearer than Life, must be the greater Treason: He tells us the *Parliament never made War upon him, because by Law*, (says the Sycophant) *He can do no wrong*, but this shall *not* be allow'd for a Maxim with such Malecontents when it makes for the Monarch: But what if a Parliament of Rebels, put out in their Declaration, that *He has wrong'd the Law*, and vote that he *Levies War to destroy the Fundamental Liberty of the People; to set up Arbitrary Government; send down a Traytor to keep him out of his own Garrisons, when their Guards could not secure his Life from the rage of the London Rable instigated too by that Villanous Assembly that made his Repairing to Hull for the Preservation of himself, an Insurrection of their King for the Destruction of the People: And can such a senseless piece of Sedition imagine that undistinguishing Bullet they brought into the Field, could be commanded to take off none but Evil Counsellors and Seducers; or that ARMS which soon silence all LAWS, especially when lifted against their Sovereign, would favourable consider his Right, and a Maxim*

im of our *own* that *he could do no wrong*.
 He tells us the *King* was displeas'd for
 parting with his Power to dissolve *Par-*
liaments, and took *unheard of ways* to de-
 mand Members with *Arms* : Most Inhu-
 mane Wretch even to the Pious Memory
 of so good a Prince, to give him the *Lye*
 in his Grave; does not himself tell us, as
 if his Prophetick Soul had foreseen the
 suggestion of such a Rebel, in his making
 it his deepest plaint, *The Injury of all In-* ΕΙΧΩΝ
ΒΑΡΙΑ.
juries is, that some will Falsely divulge,
that I repining at the Establishment of the
Parliament endeavour'd by force and open
Hostility; to undo what by Royal assent I
had done. While at the same time the
 Contradictory Wretches would asperse
 him for a resolv'd, and a wilful occasio-
 ner of his ruin; but for the demand of
 the Members, so far from *Irregularity* :
 That this Malicious Accuser, is a *double*
 Traytor to his Memory, by being an A-
 better of those, that were *truly* so; and
 representing it *False*, the King was ad-
 vis'd in *Scotland* of those Conspirators
 having Invited *that Nation* to come in-
 to *ours Arm'd* : And shall not bringing
 in a *Foreign Power*, an Actual *Levying*
War be allow'd Treason: He had his
 Witnesses

Witnesses ready for the proving every Article; his Attorney had drawn up all their *Impeachments*, and could not their King have the benefit of those *Laws*, he gives *Life* too? Could not their King *Impeach* a *Commoner*? when they themselves can any *Lord*. He order'd *Him* to inform the House of *Peers* with the Matter of the Charge, and a Serjeant at Arms to accuse them to the *Commons*: did they, or could they call this an *unheard of way*, or *Irregular Proceeding*? and will the protection of their House extend to an *Indisment* for *Highb-Treason*, as well as an *Execution* upon *Debt*? certainly this *President* won't be found among all the *Miscellanies of Parliament*, tho that *Industrious Author* might have cited too his *Majestys Murder* out of their *Journal*. But let them blush at their late *Arbitrary Proceedings* against their *Fellow Subjects*, and Remember what they deny'd their King.

No privi-
ledg of
Parlla-
ment
holds for
Treason,
Felonny or
even
Breach of
the Peace
4. part
Inst. 25.

Here was an obstruction of Justice, that was already a *Rebellion* against the Executive Power of the Law, such an one, as only their next *Ordinance* for seizing the *Militia*, could make it more so; the Serjeant that was sent to Arrest their

Their Persons is countermanded, and if
 again attempted, 'tis Order'd, and Re-
 solv'd they'll stand upon their Defence,
 and make Resistance; how should the
 Mildest Father of the most Merciful Son,
 Mollifie so many Tygers Tugging for
 the Prerogative, with the pretence of
 Privileges. Why he tells us, himself
 went attended with some Gentlemen his
 followers, much short of his Ordinary
 Guard; to desire he might proceed against
 Traytors only in a free, and Legal Tryal,
 that he had furnish'd himself with proof
 and wanted nothing for that Evidence which
 he could have produced: But what (I am
 sure they were resolv'd to deny their
 Sovereign) even what they made the
 Rabble clamor for against himself,
 JUSTICE; the Chronicle tells us, none
 of his Followers mov'd farther than the
 Stairs, but only he himself with the
 Palsgrave enter'd the House, demanded
 whom before he had Accus'd, and the
 Villains themselves so Consciow of his E-
 quitable demand, and their own Guilt,
 that they fear'd their very delivery from
 their Friends, and that Death I doubt
 they had so justly deserv'd, the Crimi-
 nals were fled, he renews his Charge
 and

EIXWY
 BASID.

and so *satisfy'd*, returns; but so were not those whom nothing could *Content* at last but his *Life*, they load it with all the *Obloquies*, and *Exasperations* imaginable, such *Protectors* of *Liberties* could only think *Treason* against him worthier of *Protection*, then their *injur'd* King; an *Execution of Law*, is Voted a *Breach of Priviledge*, the demanding the *Benefit* of it by him that gives it it's *being*; they made *MURDER*, the City Guards are set up in several places, the *Train-Bands* are *Commanded* down to *Westminster*, a greater Army sure then only the Kings *Retinue* to protect *Impeacht* Traytors, and with the *late Hosanna's* of our *Old-Baily* they lead in *Triumph*, that *Primitive Council of Six* accus'd for *High-Treason*, and what *Security* had this *present* King, that the *like Cabal* should not have been as well *Secur'd* from his *Justice*, had they been but detected in some of their *late Sessions*, they were *all* *Member* too, the *Difference* between our King and *Commons* in as *high* a ferment, the *Charge* that *then* was given to the *Lords*, the *Articles* that were offer'd to the *Commons* appear upon *Record* but the *Counterpart* of *this* Kings *Declaration*; only

only there they *had* not come so far as to contrive his *Murder*, their Accusation was, for *asperging* of his Majesties Government and altering the affections of his People, Countenancing Tumults against him, inviting a Foreign Nation, the Scots, as too, *this* Actually did, and Conspiring to *Levy War*, as these did to Raise an *Insurrection*: And might not any Jealous Soul fear *such* Parliaments, that protected *such* Traytors? and might not *such* Traytors been again protected by *such* Parliaments, when the *City* too was their own again, the *Guards* set, the *Watches* plac'd, the *Streets* Chain'd, and that when they could accuse *no King* for Breach of *Privilege* or Coming to their House with *Arms*, and the having a Guard for their house was offer'd at *now* when nothing but *their King* was *again* in *danger*? and can the retrieving the Memory of those immediate Forruners of our first Misfortunes be made a *Crime*? And the most Flagitious Villains concern'd in it *no way Criminal*, can *such* a Senate sit till it has *Murder'd* a King? and shall not an *experienc'd* King secure himself from such a Seditious Senate? that the design of the *whole House*

of

Vid. Baker
P. 516. *1. An.*
1641.
Vid. Kings
Declar.
1683.

Hunt, Pla-
to p. 169.

of late was to raise a Rebellion, is *utterly false*, but that *some* of the late Members have actually design'd it since, is *Certainly true*, 'tis attested in their Sufferings and Seal'd in their Blood : The Honour of that Assembly may be no way *Tainted*, tho both Blood and Issue of *some* that did sit in it, is since at present so by Law ; a man of CommonSense can apprehend the *Constitution* of a *Body Politick* to be *one* thing, and the *Constituent Members* another, and *this* without the help of *Metaphysicks* or Abstraction, I am Sworn, besides that *Natural* affection I still shall have for my Sovereign, to be *Faithful* to my *Liege Lord*, and should I fail in my *Faith*, I should be *for-sworn* ; I know the privilege of having a Parliament is the Interest of every Subject, and should I consent against that, I should be a *Fool* ; but because there is a necessity of obeying *your King*, does the same Obligation tie you to an *Usurper*. A Parliament is a great *Privilege* to a Nation, but not so when it *Usurps* all sorts of *Privileges*, that you saw took away it's head, lay'd the Land of it all in *BLOOD*. I'll maintain with my *last* Breath that a Parliament is the *Sub-
ject's*

jects Birth-right; but God forbid we should be Born to *all* sort of *Parliaments*, that would make us Traytors by a *Law*, and we have many besides what in *this Kings* were declar'd, by Statute *Treasonable*.

But to return to what is the *Blackest* piece of *Treason* our *PLATO*, was the Glorious Martyr the *First* aggressor too, or did they *first* seize his *Militia*, when they could not have it by *Consent*? was the withdrawing of the *King*, *Treason* to his *Parliament*? or were the *Parliament* the *Traytors* that made him to *withdraw*? did the *King* Rebel against his own Garrison at *Hull*, or was *Hotham* the Rebel that kept out his *King*, let even *prejudice* here *determine*, what the worst of *Malice* can suggest: Does *Matchiavel* he cites, countenance the *Licentiousness* of the *People*, or rather allow too much *Liberty* to his *Prince*, and make an *Hero*, of a *Tyrant*, an *Agathocles*, and *Grotius* whom he *Labels* as much when he makes him to favour a *Rebellion*, and who has *expressly* *Condemn'd* our *own*. After this *Re-publican* like a *Roman*

Coventry
Parl. 38.
H. 6. de-
clar'd De-
vils by
39. H. 6.
1. Edw. 4.
that of
Rich. a
Treasona-
ble. Par.
Car. 1.
1641.

Matchiev. In Princip.
C. 8. qui itaque hujus
viri rerum gestarum, ra-
tiones animo repata-
ret nihil aut parum in
eis animadverteret aut
fortunæ ascribendum.

Velite,

Plato page
221. p.
234. p.
236.
Making
Leagues
absolutely
in the
King, 19.
Ed. 4.
239. 249.
252.

Velite, has held our *Monarchy* his Foe in play, all in the *front* of the Book, he begins to rout it entirely when he comes up with the *Body*, to the Battle, and the *Rear*, there he tells us plainly the *Sweetness* the *profitableness*, of a Common-wealth, that only 'tis not to be set up *during these Circumstances*, that is, 'tis too soon, to Rebel yet, and he has found out better expedients; the King has too much Power, the Presidents of *John* and *Henry* the Third, are trump up again for being *Compell'd* to give it away, the Murder of *Edward*, and *Richard* the Second, at least the *Deposition*, of which *that* is an absolute Consequence, is two or three times again Recommended for Instruction; and now he tells the Parliament plainly what Branches of the Prærogative, they must insist upon, *Power of making War and Peace, Treaties and Alliances, which the Kings wicked Ministers have made Destructive to the Interest of our English Nation*: You have here the best of Kings in effect, tho apply'd to the Courtiers, of which I think he must be the Chief, resembl'd to the very Rebel that *Usurps* upon his Crown; as if it were design'd by him as well as a *Cromwel*,

Cromwel, (that had no right to maintain himself in the Throne, but the Power of the Sword) to *Crave aid from FRANCE*, Plat. 239.
to keep Under his People of *ENGLAND*.

The *Militia* must be granted *them*, because out of Parliament, or Session, it being in *his* hand they cannot raise the *County Bands*, nor those of the *City* to Guard themselves, that some *trusty*

Members whom if the King pleases may take care of *his Household*, that a Parliament meet of Course at a certain Day at the usual place without *Writ* or *Summons*,

Plat. p.
249.

and that because *Peers* depend so much upon the *will* of their *Prince* for Creation, they should never be made but by

Act of Parliament, I appeal to the most Plat. 252

moderate mild Soul Living, whether any single Line of all this absolute Treason has not of late, almost since the Publication of this Damnable piece been endeavour'd to be put in *Execution*, was not the *Hereditary Discent*, struck at in the *Duke*? was not the *Militia* offer'd at in some of their *Votes*? Frequency of *Parliaments* which would have been as good as without intermission, Clamour'd for in some of their Speeches; the Nomination of some of the *Officers of Power*

R

by

by the People. And lastly was it not agreed to meet without *Writ* and *Summons*, when the *Major part of Members* were to be conven'd after Dissolution, and can any still say that an alteration of the Government was never design'd, by those that were then so busily concern'd, and when some of the most popular and *Active*, have been since *Actually* Convicted for the Compassing all this, by the *Blood* of their *King*, which they despair'd of obtaining from his *Le Roy vult* : But 'tis to be hop'd that the God of Heaven, who has brought to *Light* the *Darkness* even of *Hell*, has so much illuminated Peoples *understanding* as well as *Eyes*, that the next *Assembly* that shall constitute this *Politick Body*, truly *Honourable*, adsolutely *Necessary* in it's *Constitution*, will be such, as will transcend, what has been one of their *best* Presidents ; An *healing one* ; and that of those wounds such *Demons* and *Doctors* have scarifi'd instead of clos'd, and with a merited Vote Condemn such *Devils* to their *own Element* the *Fire*, that have so Seditiously set three Kingdoms in a *Flame*.

But tho this refin'd Statesman, this politician

lisht piece of the most accomplisht Treason, may perhaps value himself upon the Product and Invention of his own Villany, proud of the being reputed a witty Republican, whose greatest Glory here is to be at the best, but an Ingenious Rebel; yet his very Reputation, tho it be but in his Roguery, must sink too. When you consider (what I shall soon satisfy any sober Person in, any Soul that has but so much Sense as to distinguish an *Author* from a *Plagiary* a Man of *Honesty* from a *Thief*,) that even the very Notions and Principles he Prints for the *establisht* this Government were formerly Publisht, and propos'd by the very Villains that actually *subverted* it; not *one* Expedient in all his Politicks, but what was by sad Experience the very Propositions of *declar'd* Traytors: The *Blessed Wit* would rob the Records of an *old* Rebellion, and that only to put in for an Inventor of a *new*; the worst of Felons, and in Forreign parts punisht as the *greatest* that Steals his Fellow from the Gibbet: His Book has not only borrowed all from *Harrington*, I'll allow it him with all my Heart, and that by what follows you may find.

Octave.

R 2

A

A Parallel between the Propositions sent the late King by the Rebel Parliament, and the Rebellious Proposals of our Plato Redivivus.

PARLIAMENT'S.

1. That all the Kings Privy Council, great Officers and Ministers of State may be put out, excepting such as the Parliament shall approve, and to assign them an Oath.

2. That all Affairs of State be managed by the Parliament; except such Matters as are by them transferred to their Privy Council.

3. That all great Officers of the Kingdom be chosen by Parliaments and their Approbation.

4. If any place fall void in the Interval of Parliament, the Major part of this Council to chuse one to be confirmed at the next Session of Parliament.

PLATO'S.

1. His Majesties Power to nominate, and appoint as he pleases all the Officers of the Kingdom, one of the Powers in the Crown, that binder the Execution of the Laws, Plat. p. 239. why may we not begin by removing all his Majesties present Council by Parliament? Page 232.

2. That his Majesty exercise the Four great Magnalia of Government with the consent of Four several Councils appointed for that end, the Councils to be named in Parliament, Page 240, 241.

3. That the Election of the great Officers be by those Councils; and those Councils to be chosen by the Parliament, p. 258, 259.

4. Preserving to themselves the Approbation of the great Officers, as Chancellor, Judges, Generals of the Army, p. *ibid.*

5. To

5. To reform Church Government as the Parliament shall advise, to concur with the People in depriving the Bishops of their Votes.

6. Marriages and Alliances to be concluded in Parliament.

7. To settle the Militia as the Parliament have ordered it.

8. All Forts and Castles to be in the disposal of the Parliament.

9. To imploy only such People about him as the Parliament might confide in.

10. No Peer, hereafter to be made to sit in Parliament without their consent.

5. That the Clergy, quatenus such, bad, and will have a share in the Sovereignty, and Inferiour Courts in their own Power called Ecclesiastical; this is and will ever be a Solacism in Government, p. 178.

6. The Kings absolute Power of making War and Peace, Treatises and Alliances, one of the Powers in the Crown, that hinder our Happiness and Settlement, p. 327.

7. The Kings disposing, and ordering the Militia, one of the Powers in the Crown that hinders our Happiness, p. 239.

8. The King enjoying the Power of garrisoning and fortifying Places, one of the Powers that hinder our Happiness, *ibid.*

9. That those of the Four Councils appointed by Parliament, if his Majesty pleases to have the ordering his oeconomy and Household, &c. pag. 242.

10. That for the future no Peer shall be made, but by Act of Parliament, pag 252,

These made the Substance of those Seditious Propositions, that they prest upon the poor Prince, with which they would have forc't our *Charles the First*, to the Misfortune and Fate of a *Richard the Second*; the most aggravated Misery that can befall a Monarch, *the deposing of himself*. These were they that filled their Parliament Papers and Proposals to their King at *York*, the most Insolent that could be proposed surely to a Prince, that was then in a Condition more likely to demand with *Arms*, what he was denied against *Law*, whom they might expect to see as they *did* soon after at the Head of good Souldiers, as well as in the Hearts of Loyal Subjects; *such* Insolencies as would have been Insufferable had they tryed, and gained, what was afterward so unhappily gotten that *unlucky* Fortune of the Day, had they then, (what their Prosperous Villany did at last effect,) made their Mighty Monarch their Peoples Slave, and a meer Captive of a King. *Carisbrook*, and the *Isle of Wight* could not have born with of much Indignity, as was offered to him here; when even at *Nottingham* and *York*, their *Non Addresses* when his Person was
in

in the *Castle*, were less hard, than such an *Address* when his *Standard* was in the *Field*: These were those that provok'd even the Mildest Prince to Protest in some rage, *That if he were their Prisoner*, Vic. Baker. 310. he would never stoop so low; These were those by which he must have made Himself, what our *Republican* would have him now made, of a *King of England*, but a *Duke of Venice*; and with These did they never cease to perplex his unshaken Heart, his unmoved Soul, continually upon all their *Messages*, *Treatises* and *Remonstrances* and *Petitions*, These still the Subjects of their demands, when their Commissioners were sent to *Oxford* after their *Newbury Battle*; these when the perfidious *Scot* had gotten him in their Power and Hands at *Newark* and *New-Castle*, but bandied then only for the better buying of their King, whom his own Country as basely sold; then offered rather to make matter of de'aying War then truly design'd for Peace, that there might be somewhat in Agitation till the Summ was agreed upon, and his Majesty diverted with the small Hopes of being at last a *Titular King*, while they were selling him to Foreigners for

an *absolute Slave*. Lastly, with *these* did they Plague and Pester the Poor Prince, when they had made him a perfect Prisoner at *Hampton Court*, and how well *these* Proposals of the *late Rebels*, agree with the Politicks of this *present Republican*, I'll submit even to the most partial Person of the Party, upon the perusal of this Parallel.

And what could be the design then, at *such* a Season, of Publishing *such* a piece, of our Mutinous Members hugging in their Hearts, and applauding with their Tongues, *Printed and Published Treason*? But that what was offered in their *Plato*, was once presented in Parliament, that the *Politick Rebel*, could be pickt even out of the *Journals of their House*: That they had Presidents there too for a *Common Wealth*, as well as in *Starkey's Shop*; and hoped to see her *Revive* again by *Vote*, as well as by *Book*.

But these blessed Expedients, tho but proposed out of the *Press*, are the more Pernicious; at the *same* time, its Publisher makes them pertinent to what I have here applyed them, the *Propositions* of a *Parliament*; for he tells us he would
not

not have them wrested from his Majesty; but that he be *petitioned* to part with them, very *seasonably* suggested; I confess, when we were so full of *petitioning*. He would not have it effected by the Power of the *Sword*, the Politician it seems is mightily for *Peace*, and the Preservation of his Majesties *Person*; but would only have them raise at first a civil *War* upon his *Soul*, use the *Son* a little more kindly than they did the *Father*, and not seize his *Militia* with an *Ordinance*, because they cannot *Fight* him with his *consent*, nor Rebel *first* against their *King* with an *open War*, and then send him Propositions for *Peace*, and the making him a *Slave*.

And since some of our Seditious Souls have not only a great Veneration left for these Parliamentary *Projects*, and as great esteem for this Statesman, for the reviving them in his *Politicks*; since some that would be thought Persons sober and moderate, can think the Kings Compliance in some of these Grants and Concessions somewhat necessary, and a Trifle of the Crowns prerogative to be *pared* from the *State*, as requisite as a Surplice, or Ceremony to be part-
ed

ted with in the Church; since the Propositions of that Rebel Parliament, and the Politicks of this rank Republican, make up so perfect a Parallel; It will supersede some separate labour and pains, to be able to animadvert upon them together, and at once; (His Answerer will be somewhat obliged to his Authors being but a Thief,) and will shew, (that whatever some think, that such pieces of Power might be par'd from the Crown like some sappy Excrescencies from the Trunks of Trees, for the better Nourishment of the Stock,) that all, and every one of them strike directly at the very Root: That the Government cannot well subsist without them, all; and that all of them are inseparably settled in the Crown, by all the Fundamental Laws of all the Land.

Cook. 4.
Inst. Cap.
2. p. 53.
Vid. Ten
several
Rolls of
Par. cited
by him
for it's
justification,
Rot. Par.
50. Ed. 3.
n. 10. 1. R.
2. n. 4. &c.

The first that feels the reforming stroke of their Fury, we find to be the Kings Privy Council; and what is that? why their own Oracle of the Law will assure them, the most Noble, most Honorable and reverend Assembly, consulting for the publick good, and that the number of them is altogether at the King's Will: And shall those be numbered now, and regulated

lated at the Will of a Parliament, whom their own Acts, Statutes, Rolls, declare, acknowledge and confess to depend upon the *Nomination*, Power and Pleasure of the *Prince*? would they *repeal* those *Laws* of their Ancestors enacted even according to the *greatest Reason*, only for an Introducing their own *Innovations* against all *Reason* and *Law*? Can it be consonant to common Sense, that those whom their King is to *Consult*, and *Sit with at his Pleasure*; and that according to the *very* express Words of Authentick Rolls and Records, that those should depend for their being, and Existence upon the suffrages of such a senate, whom *all* our *Laws* declare, has it self no other being, but what it owes to the *Breath* of that Sovereign, over whom they would so *Preposterously Superintend* as to set a Council? can they think that even the *Spartan Ephori* would have ever been Constituted, had their Kings by as strong Presidents of the Laws of their Land, been allow'd the Liberty of Chusing their own advisers? or would *Calvin* himself have recommended them, and the *Roman Tribunes*, the *Demarchi*, the *Decemviral* at *Athens*, had he been

Rot. Claus.
12. Ed. 3.
Par. 2. m.
19. 39. Ed.
3. fol. 14.

Ad modum
randum
Regum Li-
bidinem.
Calvin's 2.
edit. Stras-
burg,
1539.

af-

assured that their Decrees and Edicts had all along placed it in the power of their *Prince* to be advised by *whom he pleased*? and this *Rebellious Project* we now are examining, I am sure would prove a greater Scourge, and curb, to our *own Kings*, than ever the *Romans*, or *Athenians* had for the management of *theirs*; we must turn about *even the very Text*, and invert our Prayers to the Almighty; when a *Parliament* shall come to *Counsel his Counsellors and teach his Senators Wisdom*; when it shall be in the *Subjects* power to set himself at his *Sovereigns Table*, you may swear he'll be first *served* too, and that with his *own Carving*; and therefore were they not forc't to rase Rolls and Records for the making such a Reformation in the State; *Reason* it self is sufficiently the Faction's *Foe*, and as much on the *side* of those that are the *Kings Friends*. For let any sober Person but consider, whether the greatest Confusion, Disorder and Disturbance in the State, would not be the Consequence of this very distracted Opinion; do we not already too much experiment the disquiet of a divided Kingdom to be most dangerous, when but a

tumultuous part of a Parliament *too* much
 Predominates, this Gentlemans *Quaran-* Plat. page
tia, (or if you please) the Kingdoms 241.
four General Councils, are to be named
 in Parliament; and then what would
 be the result of it, but that his Majesty
 must be managed by a *standing* House of
Commons, or at best some Committee of
Lords; they need not then Labour for
 the *Triennial Act* of the late King, con- 16. Car. 1.
 firmed by the *too* gracious Concession of 16. Car. 2.
this; His Councils once their own *Crea-*
tures, would have *too* much Veneration
 for their kind *Creators*, to diswade their
 King from a speedy Summons of a Se-
 nate; tho assured, *secured* of its being
sufficiently Seditious, they would soon
 supersede as superfluous one of the ve-
 ry Articles of such a Counsellors * Oath,
 where he swears to *keep Secret the Kings*
Counsel; for by such a Constitution
 they would be obliged to make a *Report*
 from the *Council-Board* to some *Chair-*
man of a *Committee*; a better Expedient,
 I confess, than an order for || Sr. Stephen's
 bringing in the Books: And indeed
 none of the Kings *Services* should be then
 called *Secret*, they would be soon Print-
 ed with their Votes, and hardly be fa-
 your-

* 4. Infr.
 p. 54.
 || Parl. 25.
 Car. 1. just
 so took
 upon them
 to search
 the Signer
 Office, and
 that of the
 Secretary,
 whereof
 the King as
 justly com-
 plain'd.
 Vid. Kee-
 per Coun-
 try Speech
 to the
 Commons.

Ibid. p. 57.

voured with some of their own Affairs of Importance, to be referred for the more private Hearing, to a *Committee of Secrecy*; the good advise his Majesty might expect from *such Councils*, might be much like *those* of late from his *Petitioners*, And he again told to be the *mightiest Monarch*, by condescending to be the *most puny Prince*: My Lord *Cook* tells us, *those Councils* are there *best* proposed for the Kingdom, when so that it can't be guess'd which way the *King* is enclined, for fear, I suppose, of a *servile Compliance*; but here the knowledge of *his Inclination*, would be the most dangerous to the *King*; which to be sure would be opposed, and *only* because *known*; the good the *King* would receive from *such Counsellors* might be put in *his Eyes*, and the Protection the Nation could receive from *such a King*, must be but in *good Wishes*, and are we come to deny our *Sovereign* at last, what every *Subject* can Consult, *his own Friends*.

But tho this *bold Gentleman* as *arrogantly* tells us, that this *Privy Council* is no part of the *Government*; (his imagined one he must mean) a *Commonwealth*; I'll tell him more *modestly*, and with

Plat. page
232.

with better Authority than a *Dixit* only of a Platonick *Dogmatist*, that he might as well have *told* us too, (what indeed are such a Republicans real thoughts,) that the King *Himself* is *no* part of it, and shew him both from *Law* and *Reason*, that they have a *great* share in it too.

And that the Laws great Oracle tells us too, who is so far from letting them have *no* part in the Government, that he tells us they have a very *great* part *even* in the *very* King. *That they are incorporated to the King himself. His true Treasurers, and the most profitable Instruments of the State:* And without doubt this *great part* they had always in Publick administrations made them of old so much esteem'd, that in all Rolls, and Acts of State, they were mention'd with so much reverence and respect; certainly had they been no constitution allow'd of by the Fundamental Laws of our Land, they would never have been transmitted to posterity, with such veneration to their Memories, and that too through every Reign and all the Records of Time; let them have but the benefit and priviledge of a Common Burrough, and let their President, an Office

Cook 4. c.
2 Infr.
Stanford
72. F. Sc-
nators
sunt partes
corporis
Regis.

Holl. fol.
169. Mart.
Paris, 205.

Rot. Par.
3. H. 6. B. 3.

Coke. 4.
Inst. p. 53.
Inas c.
46.

Office as old as King *John's* Time, and that by Letters p^{at}ents, but have as fair play as one of their *Port-Reev's*, prescription would incorporate *them* into the Government, as well as entitle *those* to their *Franchises*. 'Tis an absolute Contradiction to Imagin that Rolls then the very Parliaments Acts, or Opinions in Transcript, should have recorded them so Honourably, for their *Publick Administration*; were they not allow'd by the people so much as to be *Ministers* for the *Publick* good; and such Honour was given them too by our Ancestors; such Semblance of Sovereignty to their Persons, that *their Houses* had in some sense, the self-same privilege of the very *Kings Palace* and Verge; wherein if a blow was given it was punisht with a Fine, the loss of a good Summ of Money as in the other, of a *Hand*: And is it not at present Treason to destroy them; and can *Absurdity* it self imagin that the Laws which are made always by *those* that Govern, would make such provisions for those that were *no part* of the Government.

And lastly, to prove this proposition of our *Republican*, but a *Rebels Plot*; and

and a fair progress towards a *Rebellion*, I'll shew this presumptuous projector, how vainly he presumes upon his parts and Invention, that he is a *double Plagiary*, not only borrow'd this pernicious project against the present *Privy Council* from these proposals of our Seditious Senate in *England*, but his very *Quarantia* of *Venice* was set up, long before he could for an *Author*, by those Zealots that were so resolutely resolv'd to Rebel in *Scotland*; and he shall see those *Damagones* too, those Devils of Sedition, look't upon it even *then* as a preparatory project and the best Expedient for their Invading of the Kingdom, and the Crown.

Their *Edenburgh*, their *Metropolis*, as well as *ours* here, was *then* the Seat of Sedition, so *truly great*, that it's Faction and Villany was *Commensurate* even with it's *very Walls*: And *those* too, when Casually fallen were not suffer'd to be built; as if they would have let the World known by *prediction*, their *Ominous* Treason was to extend further: 'twas *here* that the Sycophants at the same time they pretended so much for their Kings *preservation*, that they *protested* against the

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the pious Prince's Proclamation only for the dispersing of that dangerous Rabble that seem'd to denounce with an *Omen*, what too fatally follow'd, his *Death* and *Destruction*; his Majesties *sincerity* to them and their Religion, was repeated in it, often with assurances; but what was as *Sincerely* promis'd from a *King* by these Monsters of the *People* was as *Rebelligiously Ridicul'd* with scorn and *derision*; and that the Government might be satisfy'd with a *sure report* of their *Sedition*, they made those Heralds that proclaim'd their *Princes pleasure*, to witness how much it *displeas'd* his *Rebel Subjects*, and in defiance to their *very Faces* read their *own Protestation*.

Vid. Sir
will. Dug-
dale's short
view. 45.
& p. 48,
49, 50.

Big thus with *Rebellion*; and *Labouring* with their *seeming Treason*, at last they are fairly *deliver'd* of the same *Rebel Brat*, this *Republican* would *adopt* for his *own*, a *QUARANTIA*: they *Covenant* and agree (and 'twas time to *Unite* for a *Justification* of those *Villanies*, which nought but a *Combination* could defend;) for erecting *four* principal *Tables*; and 'twas time too to set up their *own Councils*, when they had so *Seditiously* resisted their *Kings*. To pur-
sue

sure the Contempt of *this* Proclamation,
 which by his Majesties Council and Com-
 mand was publish't ; for a further Vio-
 lation of the *Regal* Authority they set
 up this truly *Popular*, the *first* of their
four Councils to consist of their *Nobili-*
ty ; the *second* of the *Gentry*, the *third*
 of their *Burgessees*, and the *fourth* of their
Ministry ; and the Decrees of these their
 principal and general *Tables* (as they
 call'd them,) as if as *Universally* to be
 receiv'd as *Moses* his *Two* of *Stone*, what
 they did, and was approv'd of by the
 General one, the *Choice* Flow'r of *all* the
Four, was to be forc't as the *Peoples*
Law, but far I am sure from the *Funda-*
mental one of the *Land*, from this their
Rebellious assuming of the *Soveraignty*
 in their pretended *Councils*, (as they
 call'd them too) but in truth a *Conven-*
tion of Conspirators ; proceeded present-
 ly the *Renewing* of their *Negative* *Con-*
fession ; their *Band*, their *Covenant* im-
 pos'd on all sorts of *People*, with arti-
 fice, force, and *Blood* it self: And can a
Test now establish't by *Authority* and
Law, be look't upon an *Imposition* e-
 ven by those that impos'd *Oaths* *Unlaw-*
ful and *Rebel'd* against both ? it being

Baker
 406.

10. Jac. 6.
Act 12. &
Parl. 9.
Regn. Ma-
rix. Act
75.

by *them* exprelsly declar'd in two several Acts, that all Leagues of *Subjects* amongst themselves, without their *Princes* Privity, to be Sedition, and their Authors and Abettors to be punish't as movers of *such*.

And what did this *Venetian* Government terminate in in *Scotland*, but a plain *Confederacy* to confound all, and tho the Civil and Courteous contriver of our *Ruin* and Subversion minces the matter with making his Majesty to Exercise his *four* Magnalia with the consent of these *four* Councils, 'twould puzzle his Politicks to tell me the distinction between *them* and those principal *Tables* of the *Scot*, what should confine them from *Confederating* against their King, instead of Consulting for him? what would signifie his Majesties having a president among those, of his *own* placing, when every one of them would be their own Masters, and out of *his* power to *displace*? what should hinder those from *protesting* with their old *Rebellious* Assembly in *Scotland* against *all* their Kings desires, intentions, and Inclinations for the *publick* good, while they *presume* their *own* Maxims the *wisest*, and their *measures* the *best*? and to tell us that these are to
giue

Plato p.
240.

give Account and to be answerable to such a Parliament, who chuses them, is to say a Sidney is the best Judge of the Misdemeanor of a Nevil, most qualifi'd to answer his *Quære* whether this project be not a better Expedient than the *Justitia* of Arrogan, or the Spartan Ephori, or to tell us one that has suffer'd for Treason to a Monarchy, is the fittest to Try him that would betray it to a Common-wealth. Plato 242.

The second Proposition in the Parallel is, that Affairs of State be managed by the Parliament, or by such Councils as they shall appoint: The true Spirit, the Life, the Soul of Sedition, that informs, and animates the whole Body of the Faction, speakes here the Dictates of this *Demon* this *Devil* of a Republick; that has possess'd the Nation for this five years, with greater Phrensy then e're he did before the Restoration, when by the very Finger of God he was first call'd out; and would now return too with more worse than himself, only because he finds it swept and garnisht: For I desire the most diligent Perusers of the most pernicious Libels that were Printed in 1642. the most Pestilent time, when Treason was Epidemick, and spread as the Plague

it self more than once did ; and that in their Mighty *Babylon*, their *Metropolis* too. I challenge even *those* to shew me so much Penn'd even *then* to persuade the setting up a Republick, as has so lately been Published in this very piece.

Vid. Kings
Answer to
the 19.
proposi-
tions.

His Majesty upon the presenting these their Proposals I have parralleld, told them they designed him for a *Duke of Venice* ; and that they only *dared* to do, when they had bid him defiance to his Face, and made him fly for refuge to his Friends, when they had a *fund* for Rebellion in the *City* ; A *General*, and an *Army* in the *Field* ; but here we have a *single* Republican declaring expressly for the good Government of the *Venetian*, *Arraigning* of our *Monarchy*, *condemning* of our *Courts*, *reforming* of our *Councils*, only to set up their *Republick*, for the framing their *Decemviral*, the constituting their *Quarantia*, the making every Member of Parliament ; but a *Noble Man* of *Venice*, and his Mighty *Prince*, that presides in it by *Law* as a *Principal Head*, but a plain puny *Doeg* ; and all this at a time the Government stood firm upon its *Foundations*, and the best of *Basis* its *Funda-*

Rex est
principi-
um, caput
& Finis
Parl. Vld.
Modus
renend.
Parl. & 4.
Inst. fol. 3.

Fundamental Law, to what an height of *exalted Insolence* was the very Soul of *Sedition* then aspired to, to suffer such a *Serpent* to see the *Light* that *hiss* at the sight of a *Sovereign*, and spit its *Venom* in the very Face of *Majesty*.

And whatever Recommendation this *virulent Republican* gives us of the *Venetian Justice*, he would find sufficient *severity*, *sublim'd Cruelty*, instead of *Law*, distributed to such *daring Offenders*, as should offer at a Monarchy *there*, tho but a *mixt*; and of which they seem to have some necessitated resemblance in their constant creating of a *Duke*, as if there were yet some remains of *Royalty* left which they could not extirpate; and like *Nature* it self whom all the *Art* of Man can never expel; the *Libeller* would not be long then without an *Halter*; the *Jealous State* would soon send him the sight of his *Sin*, and *Sentence* together, and that by the *Hands* of his *Hangman*, and some little *Gondula* to *Ferry* him to the deep. No *Magna Charta*, no *Petition of Rights*, no privilege of a *Trial of Peers*, or even a *Plea* allowed to the *Prisoner*, and whom with a *Previous Sentence* too, they

Vid. Reliquia Wotton. Pocarino's case,

Kingly
Govern-
ment has
been the
usagi of
the Land
beyon'd
History it
self; & the
Common
Law is but
Common
usagi.
Plowd.
Comment
p. 195.
Le Com-
men Ley
n'est que
Commen
usc.
2. part of
the Inst.
fol. 496.
Kings Præ-
rogative is
part of the
Law of
England.

many times dispatch assoon as seiz'd :
And shall a *Monarchy* here founded up-
on its Fundamental Law, and that for
fifteen hundred years, be invaded with
impunity, by the Pen of every *virulent*
Villain, each *Faction* Fellow that can
but handle the *Feather* of a *Goose*.

I confess, when they were arriv'd here
to their *Acme* of Transcendent Villany,
when Vice had fixt her *Pillars* here, and
that in an *Ocean* too, but of *Blood*; when
they had washt their Hands even in *Insu-
perable* Wickedness, and shed that of their
Prince, when by a Barbarous Rebellion
they had subverted the best of Civil Go-
vernments, *our Monarchy*, and establisht
their own *Anarchy*, a *Common Wealth*,
then they might well be so bold, as to
write their Panegyricks upon their own
Usurpation, when they were to be paid
for it by the *Powers* instead of *Punish-
ment*.

Then they might tell us (as indeed
they did ;) that the greatest of Crimes
was the committing of *High Treason* against
the Majesty of the People : That the Ro-
mans gave us good Presidents for Re-
bellion, in the turning out of their Tar-
quins, and the Government together; that

Merc. Pol.
Num. 107.

that *Cæsar* Usurpt upon the power of the People; *Marins* and *Sylla* on the Jurisdiction of the Senate; *Pisistratus* turned Tyrant at *Athens*, and *Agathocles* in *Sicily*; that *Cosmus* was the first Founder of a Dukedom, and a fatal Foe to *Florence*; that *Castruccio* made himself the Lord of all *Luca*, and oppressed the Liberty of all the Freeborn Subjects of the Land; that all our *Kings* from him they called the Conqueror, to the *Scottish Tyrant*, were but the same sort of Usurpers upon the power of the People. All this with much more Execrable Treason was Printed, Publish'd, and Posted through the Kingdom, with Approbation of *Parliament*, and which we shall in its proper place represent in its own blackness, black as *Hell* it self, the seat of such *Seditious* Souls, full of *Anarchy* and *Confusion*; But why we should now have so lately left us such daring desperadoes to retrieve to us the same Doctrine, to tell us that *Affairs of State must be managed* by a *Parliamentary*; that is in their own Phraseology a meer popular Power, could proceed certainly from nothing but the deepest, the most dangerous Corruption of the Times; from the desperate

Merc. Pol.
Jun. 17.
52.

Plato.

rate Condition of a Government, ready to be undermined, by Treachery, Plot, and Machination, brought so low; that it did not dare to defend it self; and its boldest Assertors so far frightened into a dishonest and imprudent sort of Diffidence, as to distrust the strength of their own Cause; and that was evident too, from the sad servile Compliance of some fearful Souls, otherwise well affected, that seemed to give up their Government like a Game lost, that had rather sink then swim against the Tyde.

But for a more direct Answer to this Proposition we shall shew, that Affairs of State must be managed by our Monarch; that matter of Fact has prov'd it by Prescription; that it is our Kings Prerogative by the Lands Law, and his unquestionable Right, by the force of Reason.

For the first 'tis evident from History, that for above 600. years, near a thousand before the Conquest, we had Kings that had an Absolute and Sovereign sway over their Subjects, as appears from the most Antient Writer of our British History; it is apparent that all our Monarchs, Britains, Saxons and Danes exercised an

Gildas B.
who was
born Anno
493.

unlimited Jurisdiction without having their Affairs Govern'd by any establish'd Council much less a *Parliament*, and that to be prov'd beyond Contradiction from the several Authors, that Lived, Wrote, and were Eye Witnesses, of the manner and Constitution of their Government, and then sure must be suppos'd to understand that to which they were *Subjected*, from those good Authorities can be easily gather'd that the power of *Peace* and *War* was always in the Prince, that they were Govern'd by him *Arbitrarily* and at his Will, that he call'd what Councils, of whom, when, and where he pleas'd; so far from being Limited, that the most popular Parliamentarians would be loth his present Majesty should prescribe to such an Absoluteness, and which nothing but the kind Concessions of some of his Predecessors, to their Clamorous Subjects has given from the Crown and dispens'd with that power and right enjoy'd by their Royal Ancestors.

These were *Nennius* a Monk of Bangor who liv'd An. 620. *Bede* a Saxon, who wrot in their *Heptarchy*, dy'd in the 733. *Affarius Menes*, who writ the Acts of King *Alfred*. *Colemannus Ang.* who liv'd in the time of the *Danes* and *Harold* the first. *Vortiger* the British King on his own Head, call'd in the Saxons without his Subjects consent. *Egbert* an absolute Monarch of the Saxons over all the Isle. *Canutus* as absolute among the *Danes*, call'd only his Convention of Nobles at *Oxford* about 1017.

'Tis

'Tis strange and unaccountable that those which stretch their Wit and Invention for this power of Parliament, and run through all the Mazes of Musty Records, for the proving it so Ancient, yet will not allow that of their King so long a standing, and which after all their fruitless Labour left proves at last nothing but the Council of their King, those Noble and *Wise-men* he would please to *Assemble*; their *Gemotes* the name of that most Ancient Assembly implying nothing

more, as appears even from their own *Cook* himself, and their *Commons* whom this Author would have now so great as to Govern his King; far from having the least concern in publick Administrations, there being in all Historical Accounts of those Antient times no mention of them in those very Conventions; whereas *Nobles* Bishops, and Abbots are expressly nam'd. The greatest Colour they have for its Conjecture is only from the word *Wites* or *wise-men* which Constituted their *Witena*; and the Prefaces

1. Inst. §. 164. p. 110. Magn. Chart. Forreft. Stat. of Ireland made H. 3. the 1. Laws we had from their very words seem all made by the sole power of the King. No Commons mentioned in Stat. Merton, 20. H. 3. only discreet men mention'd in Stat. of Marlbriggd. 52. H. 3. But all the Commonalty is said summon'd in the præamb. to Stat. West. 1. 3. E. 1. In Stat. Bigamy 4. Ed. 1. Stat. Mortemain 7. E. 1. Art. sup. Chart. 28. E. 1. Stat. Elcheat. 29. E. 3. not summon'd, 34. E. no Law to be made without Kt. and Burg.

faces or preambles to all their Laws imply that they were with the assistance of the *Wise-men*, made by their King; but can any person of sence and Impartial, conceive this *Term* the more applicable to the *Common* sort of People and meer Laymen, than to the Nobles the Bishops, the Lords; and then as we may well believe the most Learned of the Land; their Literature sure was then but *little*, and then I am sure that of the meaner Layity must be *less*, certainly the word *Wites* will import no more than an Expressive Character of those Qualifications, such Nobles were suppos'd to have that are still expressly said to be summon'd; and to say that by *Wise-men* were still understood the *Commons*; such an Emphatical denomination could not be so well resented by their *Lordships*; since it would seem in some sence to Exclude them from being so, but as a Learned and Labourious *Answer* of this popular point has observ'd, and what will nearly make it *Unanswerable*; that in thir Laws when the Senate was generally signified and the whole *Constitution* it self, then *Wise-men* or *Wites* expressed it; but where any sort of the *Constituent* Members are Particulariz'd

Vid. also
Dr. B. Answer to P.
pag. 10.
But still
left to the
King how
many of
those he
wou'd call.
And per
Stat. 7. H.
4. the writ
was first
fram'd di-
recting a
to be cho-
sen for each
County &
Burrough.

particulariz'd; there you'll find nothing but *Nobles* nam'd; so that such an Assembly, and that all of the *Nobility*, depending upon the choice and Election of the Prince, was not much more than our present Privy Council: But then they were able to make *Laws*, and these now but *Orders* and Proclamations, and Parliaments. *then* were so far from Usurping upon their *King*, that they were in a *literal* sense but his own *Counsellors*.

Of Antient
time both
Houses
sate toge-
ther first
sever'd, &
H. 4-4. Inst
p. 2.

Hunts
police. p.
95.

1. The first step is to identify the problem.
 2. The second step is to define the problem.
 3. The third step is to analyze the problem.
 4. The fourth step is to develop a solution.
 5. The fifth step is to implement the solution.
 6. The sixth step is to evaluate the solution.
 7. The seventh step is to monitor the solution.
 8. The eighth step is to maintain the solution.
 9. The ninth step is to improve the solution.
 10. The tenth step is to document the solution.

But were it granted, what the Patriotic
so furiously contend for, that Commis-
sioners were understood by the word *Wise-
men*, they were still far from Constituting
such a *Senate* as that wherein they
now sit; only some few sitting jointly
with the Nobility, call'd there by their
Sovereigns sole Summons and Choice;
and this is granted by one of their most
Violent Advocates, when he tells us
the Dr. has only found out what no
Historian is unacquainted with, that our
Parliaments were not always such as now
Constituted; if so, why then all this
Labor for the proving them such? why so
much of the Commons Antiquity Af-
fected? why must the Press be pester'd with
three or four Volumes for the purpose?
Labourious

Laborious Drudges of Sedition! 'tis not there Antiquity you so much contend for, and so little able to defend; the pains to prove them *Antient*, is only in order to make them more *Exorbitant*: *M. P.* must Print their *Rights*, and that at a time when they were even ready to Rebel, and with a superfluous piece of Sedition tell them of their *Power*, when all good People thought they *Usurpt too much*. *Hunt* must Harangue upon their Integrity to their *Prince*, and *State*, when some have since suffered, been proved Principal Actors for the Destruction of both: These like the *Roman Velites*, were fain to Skirmish in the Front, and entertain the good Government their Foe, with a little light Charge, of the Commons *power* and *privilege*, *fidelity* and *fidelity*; 'tis a *Plata* they permit to Bring up the *Body* to the Battle, and assail it with the *Subjects-supremacy*, and making the Commons a *standing Council* for the management of Affairs of State, and the better Government of their *King*, poor prejudic'd Souls, that to please a party contradict themselves, give all History the Lye, and then constrain themselves

Janl Ang-
lorum,
&c. Argu-
ment. Anti
Norman.

Miscel.
Parl.

to

Postscript.
at sup.

to believe they tell a *Truth*; you say Parliaments were not always so *powerful* as now, and won't you be satisfied then they had once less *power*. All our *Chronicles* tell us our *Kings* of *old*, never allowed such *Priviledges* to the *People*; and cannot this *People* be contented even with an *Usurpation* upon their *Kings*.

A Priest
of *Brerly*.

And as it will from those Authors cited before plainly appear, that the old *Britains*, the *Saxons*, and *Danish* Princes were far more absolute than of late our succeeding *Sovereigns*: so was the Conqueror, the *Norman* too for several *Successions*. Consult *Alfredus* that lived in his time, and writ down to it, or *Gulielm. Pittaviens.* that writ a Treatise of his Life; who tho an absolute Prince by Conquest and *Arms*, yet themselves will allow that he governed by *Laws*, and that our *English* ones too; yet those very *Laws* were then of such a Latitude, that they allowed him what his *Parliament* of Lords would never have allowed had he been obliged to consult them, he singly ordeined, what of late has been so loudly clamoured for, that no *Prelates* should have any *Jurisdiction* in

Vid. Baker,

in Temporals, and disarm'd all the common People in general throughout the whole Kingdom; the first themselves, tho such Sollicitors and *Petitioners* for the compassing it, would not now allow his Majesty alone, to exclude from their Votes, (tho for their *own* Satisfaction) without an Act of Parliament, and for the latter they'll hardly allow, tho granted by the *Law*, and tho it be only disarming and securing some *Seditious* Souls that disturb the Peace.

William the Second layd his own Taxes on the People; a sufferance no Subject can sustain now but with his *own* consent and Permission, he could forbid his People by *Proclamation* not to go out of the Kingdom, not to be done now but with a *ne Exeat*, a Writ and Process at Law, confirmed, as all others are, by Act of Parliament. *Henry* the First had as great a power and prerogative, and exercised it too; punishments before his time, which were Mutilation of Members, he made *pecuniary*; provisions for his House which were paid in kind; he made to be turned into *Money*; an Alteration of *Custom* and *Law*, not now to be compass'd but by particu-

T lar

Vid. Radmerus a Monk who writ the Life of *William* 2d. lived in his Time.

Vid. *Baker* p. 24. vlt. *William* 2d.

So also
Florence of
worſt.

lar Act : *Baker* makes him first to have instituted the form of an High Court of Parliament, and tells us that before, only the Nobles and Prelates were called to consult about Affairs of State : But he called the Commons too as *Burgeſſes* elected by themselves ; but this can't be gathered from *Eadmerus* the much better Authority, who in the Titles and the Stile of near Nine or Ten Councils of his time not so much as mentions them.

King Stephen what he wanted, and was forc't to spare in Taxations, which were not then granted by the suffrages of the Common People, tho they commonly bear the greatest burden of it ; tho he did not according to the Power he was then invested with, raise great Sums upon his Subjects, and the greatest Reason, because he could not, the Continual Wars having impoverisht them as well as their *Princes*, and it has the proverbial Authority of necessitated Truth, That even where it is not to be got, the King himself must foregoe his Right ; yet this mighty Monarch's power was such, that *Confiscations* supplied, what he could not Tax ; and as our Historian tells us

up-

Baker
p. 49.

upon light Suggestions, not so much as just Suspitions, he would seize upon their Goods; and as I remember the Bishop of Salisbury's Case in his time confirms: But tho' the Menace of the threatening King, the Text, be turned now into the clear Reverse, and our Kings Loyrs, no heavier then the very Finger of some of his Predecessors, till we can find those that can preach him down for a Rehoboam, or some Son of Nebat that makes Israel to Sin.

The words
of a Priest
lately try-
ed and
convicted
of High
Treason.

Henry the Second resum'd by his own Act all the Crown Lands that had been sold or given from it by his Predecessors, and this without being questioned for it, much less *deposed* or *murdered*, whereas when our Charles the First attempted only to resume the Lands of Religious Houses, that by special act of the Parliament in Scotland, had been settled on the Crown; but by Usurpation were shared among the Lords, when 'twas only to prevent their Scandalous defrauding of the poor Priest, and the very box of the poor, to keep them from an Imperious, and even a cruel Lording it over the poor Peasant, in a miserable Vassallage beyond that of our

antiquated Villains ; and when he endeavoured *all* this only by the very Law of *all* the Land, by an Act of *Renovation*, *Legal Process*, and a *Commission* for the just surrendring Superiorities and Tyths, so *unjustly* detain'd from the Crown: but our modern Occupants of the *Kirks* Revenue, had far less Reverence for the *State*, chose much rather to *Rebel* against their Prince, for being, as they would Phrase it, *Arbitrary*, than part with the least power over their poor Peasants, which themselves exercised even with *Tyranny*: This was the very *beginning* of the first Tumults in that *Faction* Kingdom, and 'tis too much to tell you in what they *ended*.

Richard the First had a trick I am sure would not be born with now, he pretends very cunningly to have lost his Signet, and puts out a Proclamation, that whoever would enjoy what he had under the *former*, must come and have it confirmed by the *new*, and so furnish himself with a fine fund ; he could *fairly* sell and *pawn* his Lands for the *Jerusalem* Journey, and as *foully* upon his return resume them without *pay* : And all this the good *peaceable* Subject could then

then brook, without breaking into Rebellion, and a bloody *War*; and as they had just then none of their *Great Charter*, that made afterward their Kings the *less*; so neither had they such *Rebellious Barons*, that could not be contented even with being *too Great*: as they were then far from having granted so gracious a *Petition* as that of *Right*; so neither, you see, so ready to Rebel, and that only because they could not put upon their Prince the deepest Indignities, the greatest *wrong*.

3 Car. 1.

And these *warrantable* proceedings of our *Princes*, whose power in all probability was unconfin'd before the *Subjects Charter* of Priviledges was confirm'd, must needs be *boundless*, when there were yet no *Laws* to *Limit* them; yet these two *Presidents* were as impertinently applyed (by the Common *Hackney Goose* quills, whose *Pens* were put upon by the Parliament to scribble *Panegyrics* upon a *Common-wealth*,) to prove all our *Kings* a Catalogue of *Tyrants*; tho the *Presidents* they brought from those times were clear *Nonsense* in the Application, and no *News* to tell us, or reproach to them, that those *Princes*

1648. 49.
51. Mer-
cur. Pollt.
n. 64. 65.

T 3

were

were *Arbitrary*, when they had yet given no grants to restrain their Will.

Here I hope is sufficient Testimony, and that too much to Demonstrate that our *Kings* of old, by long Prescription were so far from being guided and governed by a *Parliament*, as our *Faction* Innovator would have them *now*, that in truth they never had any such Constitution; and the *People* then insisted so little on their own *Privileges*, that they could not tell what *they* were; and the *Princes* *Prerogative* so great, that even their *property* could hardly be called their *own*: But these being but *Presidents* before their *Charters* were granted, or the *Commons* came in play, tho these preceding *Kings* might deviate from the common Custom of the Realm, in many, that some may call irregular Administrations; yet the *Customs* of the Kingdom relating to the *Royal* Government, in all those *Reigns* were never questioned, much less altered; they never told their *Kings* then, as this piece of Sedition does *now*, that their *Nobles* were to manage their *Affairs of State*, as well as he would have even a Council of *Commons*.

Vid. Lex
Terræ.

We

We come to consider now whether from the granting them *Charters*, which was done in the next Reign, that of King *John*, when the long tugged for Liberties, were first allowed, or from the Constitution of admitting the Commons to consult, which by the greatest Advocates can't be made out handsomely, before this Kings time or his Son, and Successors; who might well be necessitated to Consult the *meaner* sorts when all the *great* were in *Arms*, and wisely flatter their *Commons* into peace, when the *Lords* had rebelled in an open *War*; tho' still good Authorities will not allow them to be called in *either* of their Reigns, not so much as to be mentioned in *any* of their Councils, and that even to the 18 of *Edward* the First; wee'll see I say now whether from these, as they count them the most *happy* times, That blessed *Epoche* wherein their Kings were first confined, down to those which Posterity will *blush* at, the Period of *Vil-lany*, when this *Proposition* was among the rest *proposed*, whither ever the Parliament pretended (unless when they *actually* rebelled as they did here,) to manage their King, and his Affairs of State,

An. Reg.
19 John.

Vid Dr. B.
Introduct.
p. 72. 103.
&c.

P. 149.
The King
calls Parl.

per advisam
entum Con-
cilii. Vid.

Bract. Parl.

4. Inst. p. 4.

and shall

they sup-

press these

by whose

advice

they are

call'd.

T 4

The

Braſton, l.
4 Cap. 24.

5. 5. ibid.

Plat. prop.

1. Edw. 1.

1 Ed. 2.

7 Ed. 2.

The greatest Lawyer, and the most Equitable one, that lived in this Henry the Thirds time, tells us the King has a power and Jurisdiction over all that are in his Kingdom, that all are under him, that he has not an Equal in the Realm; and sure the Project of putting the Parliament upon choosing of his Council for the managing of his Affairs, or assuming themselves to manage it, certainly would make the Subject have some power over him, make him more then Equal or Coordinate, as the more modern Contenders for the Peoples Supremacy very Magisterially are pleased to Phrase it.

In the Reign of Edward the First the Parliament declares, they are bound to assist their Sovereigns at all Seasons, and in that very Sessions declared the Supream power to be his proper and peculiar Prerogative, and so far from taking upon them to manage Him, or His Affairs, or the setting a Council over Him as a superintendent.

In Edward the Second's time, they several times confirm'd to him the power of the Sword, as his Sole undoubted, unquestionable Prerogative, and that he could distrain for the taking up of Arms, all that held by Knights Service, and

and had twenty Pounds *per An.* and I think that allowed him to be his own *Adviser*, when it put him into an absolute Condition to *Command*.

But I confess, his Seditious and Rebellious Subjects, afterward served Him just as these our *Proposers* did their Sovereign; took upon themselves to reform his *Council*, managed *His Affairs* till they did all the Kingdom too; deposed him with that power of the *Sword*, they themselves had several times in his very Reign put in his Hand, as ours also denied His Majesty the *Commission* of Array, which they well knew the Laws allowed: But as this Usage was shown to both, so was it done to bind them both, that both might be more easily Butchered.

vid. dugd.
Baker.
5. H. 4. 1.
Jac.

In the following Reign of this unfortunate Prince's Son, too forward to mount the Throne before his *Father* had thoroughly left it, which he could not be said to *relinquish* but with his *Life*; there I'll grant this Republican his own *Rebel Tenent* was as stoutly maintained; but by whom? why by the very same Wretches, whom too several Parliaments had condemned, for the same sort of damna-

Edw. 3d.

Exilium
Hugon.
Edw. 2.
1 Edward
3d. C. 2.

L

* *Vide*
Jenkins's
Lex Terra
first Edit.
 P. 5.

† *Vid.*
Parl. De-
clarations.
 41. P. 4.

|| And Pro-
 ceeding of
 L. *Shafts-*
bury in the
Old-Bayly.

damnable Opinions; and solemnly sent them into Exile too; the daring and presumptuous *Spencers*, who being the first Authors of that Seditious Sophistry, that damnable Distinction of parting His Majesties *Person* from his * *political* Capacity, that is, making *Allogiance* no longer *Law*, than their *King* could maintain his *Authority* with *Arms*, for that must be the meaning of such Treasonable Metaphysicks; for if they'll owe but Obedience upon that political account of his being a King, as soon as they can but find out some *blessed* Expedient for the proving of him *none*, that is, Misgovernment, † *Arbitrary* Power, || *Popish* Inclinations, and the like pretty Pretences to make him *fairly* forfeit it; why then truly all the Majesty vanishes like a *Shadow*, before this *New Light*; and if he can't hold his Scepter in *his* Hand with the power of *his* Sword; why they have Metamorphosed *Him* into a common Man, and may pluck it out with *theirs*.

In three several Places in *Plowden* they are made inseparable, p. 234. 242. 213. *Corps* politick include *le Corps* natural. *San Corps* politick & natural sont indivisible *Ceux Deux Corps* Sont en incorporate une Person.

And truly the Peoples *Politick* Capacity is such, they will soon make

make their *Kings* incapable; when once they are grown so strong in the *Field* as not to fear it: Here was the *Rise* of that *Rebellious* reasoning that run all indispensable *Obligation* of our *Obedience* to the *Prince*, into the *Capricious* and *Arbitrary* Conjecture of the *People*, whose *Title*, and *Deposition* must depend upon his own *Demeanor*, and that to be decided according to the *diversity* of thought, which in a discontented *Vulgar* deserves the better *Epi-
thet* of *Distractiō*: The good *King* would have a *Right* to his *Crown*, as long as his kind *Subjects* would be pleased to think so; and we have more than once found, their *Politicks* have too soon made them *incapable* to *Govern*; and then deposed, and murdered their very *Persons*, for the want of this their *poli-
tick Capacity*: I am sorry to say, and posterity will blush to hear, that such *Seditious*, and *sophisticated* reasoning obtained even to the making **Three mighty Monarchs* in a most miserable manner to miscarry; and it appears still too plain in their *Prints*,
and

* *Ed. 2.* in whose time 'twas first started.
Vid Lex Terra. Rich. 2. because by misdemeanours he had made himself incapable *Vide Truffet*.

and those too Charactered in *Royal Blood*; that they never less severing our late * Sovereign's *Person* from his *Crown*, till at last his *Head* too from his *Shoulders*.

* Charles the 1st. the Parlia-

ment declares because the King had not granted the Propositions; (*i. e.*) *deposed himself*, he could not Exercise the Duties of his place. Answer of the Com. to the *Scots* Com. p. 20. and the *Scots* expound their preserving the Kings *Person* in the *Covenant*; but as it related to the *Kingdom* (*i. e.*) in *English*, if they please they may destroy him.

I could not but with some passionate Digression reflect upon this pernicious Principle; and so the best of it is, I can be but pardonably impertinent; but which I would apply *pertinently* to this *Republicans* and Parliamentary Proposition for their managing *all State Affairs* is one of the Consequences that *may be drawn*, and which those Sycophants, the *Spencers* did actually draw from this their damnable Doctrine, for so they did conclude from it too (as well they might) That in default of him their *Liege Lord*, his *Lieges* should be bound to govern the *Affairs of State*; and what *Newes* now does this *Devilish* Democrattick tells us? Why the very Doctrine of two damnable *Parasites*, whom themselves have condemned for above *two or three hundred years* ago, who to cover their own *Treason* (as

(as they then too call'd it) committed
 against the *People*; and that *but* in * Evil *vid. Cook
 4. Inst. C. 2.
 Counselling of their *King*, invented ve-
 ry cunningly this popular Opinion, to
 preserve *themselves*, and please the *Rab-*
ble they had so much *enrag'd*.

And could after so *many* Centuries,
 after so *long* a *series* of time, the *Princi-*
ples even of their execrated *Enemies*, by
themselves too; be put into *practice*, and
 what is *worse* still, shall the sad effects
 that succeeded the *practising* it so *late*ly,
 encourage our *Seditious* *Libellers* for
 its *Reimpreſſion*? if this most *Rebelli-*
ous *Nonsense* must re-obtain, all their
 declaratory *Statute*, the determin'd
 Treasons of their good *King* + *Edward* † 25. Ed. 3.
 may pass for a pretty piece of *Impertin-*
nence; they may do, as once they *truly*
 did, they may *Fight*, *Shoot* at, *Imprison*,
Butcher the *Natural* *Body*, the *Person* of
 their *Sovereign*, and tell us the *Laws*
 designed them only for *Traytors*, when
 they could destroy him in his *politick*.
 The same *Laws* make it *Treason* to com-
 pass his *Queens* *Death*, or *Eldest* *Sons*;
 and must it be meant of their *Monarchs*
 being *Married* in his *politick* *Capacity*;
 as well as *murdered*, or of his *Heirs* that
 shall

shall be born by pure *political* Concepti-
on: they might e'n set up their *Com-
mon-wealth* then, if these were to be the
Successors to the *Crown*.

But yet with the same sort of *silly* So-
phistry, that they would separate the
Kings *natural* Capacity from his *political*;
did the same Seditious Rebels as I re-
member, make their *own personal* Relati-
on to a *politick* Body *Inseparable*? Re-
bellious Lumps of Contradiction! shall
not your Sovereigns *sacred* Person be
preserved by that Power and Authority
derived even from the *Almighty*? and
whose very Text tells us, *touch not mine*
Anointed; and yet could your selves
plead it as a Bar to Treason, because per-
petrated under a *political* Denomination,
and a *Relation* only to that *Lower* House
of Commons, that was then, only an
incorporated Body of Rebels and Regi-
cides? and this was told us by that *Mis-
creant* * *Harrison*, the most profligate, the
vilest, the most *virulent*, of all the Fa-
ction concerned in that bloody *Villany*,
the *MURDER OF A KING*; the
silly Sot had it infused by his Council as
Senseless, as *Seditious*: That it was an
Act of the Parliament of England, and
so

*Vld. Try-
al of the
Regicides.
page 50.

so no particular *Members* questionable for what was done by the *Body*.

I confess the good *excluded Members*, and the *bubbled* Presbyterian Senate would not allow it for a Parliamentary Process; and why? because themselves did not sit *in* it; and truly upon that unexpected and most blessed Revolution, might hugg themselves, and shrink up in a silent Joy, that they were kept *out*: And * *Vld. Ib.* I cannot but smile to see * two or three *Id pag. 52.* sit upon the Bench, and upbraiding the Prisoner, for pulling them *out* of the Parliament, and making themselves *none*;

† *Persons* whom

Policy had only placed there, when the *poor Prince* was forc'd to compound with a *party* for

† This was pleaded too by *Carew* p. 76. Treasonable words sworn against *Scot.* spoken in Parliament, he pleads Privileges of the House for *speaking Treason*, tho' 'tis expressly declared not pleadable, no nor so much as for the *breath* of the *Peace*. 17. *Ed. 4.* Rot. Parliament. N. 39.

a Crown, forc'd to prefer those that had dethroned his Father *before*, only the better to settle himself *in* it, and to compass *more* easily the punishment of those that murdered him *after*, *Persons*, (and a great one too, that I could name,) that have serv'd him as ungratefully since, and been as deservedly rejected;

Persons,

Persons, that had his late Majesty's Arms, been but as *Victorious* as his Cause was good, had been as much liable to the *Laws*, and their Crimes as Capital for fighting him in the *Field* with an *Ordinance* of the *House*, as those that brought him to the *Scaffold*, and Butchered him on the *Block*; from the time that their Tumults forc'd him to fly from their Houses; they were no more a *Parliament*, than those were afterward that pulled them out, and it lookt a little loathsome to see some sit a simpering, and saying, all Acts must be past by the *King*, who themselves once had helpt to pass many *without*; and they could no more *justify* themselves; (had it been but their turn to be brought to *Justice*,) by their Memberships, political References to *the two Houses*) then the Criminal at the Bar by his Relation to the *Rump*.

Tryal of
the Regi-
cides. pag.
52

* Answer of the Commons to the Scots Com. that the King had forfeited the executing the Duties of his Place, and therefore could not be left to go where he pleased. *Anno. 1646. Imprint. Lond. p. 20.*

I have their own Authority for it, their very * Houses Act, that they declared, designed, and actually made their King a Prisoner: For they told the perfidious Scot, that his

his denying their *Propositions*, (and what were those but Expedients to destroy Him?) had debar'd him of his *Liberty*; and that they verifed too, (when they had got their poor purchase at *Holdenby*) in a usage of their *Prince*, with a restraint, that would have been Cruelty to a *Peasant*; and which even his very Murderers enlarged when their *Joyce* took him from his *Jaylers*: And I am sure 'tis provided, that to Imprison him till He assent to *Proposals*, shall be * High-Treason by particular Act, as well as to Murder him, is made so by the 25. And whatever the Mildness of || Mr. *Hunt*, the Moderator of Rebellion would have this Mystery of Iniquity, would not have it so much as remembered; it was these his own darling *Damagogues*, whom he defends and adores; and that even for † *Restorers*; who strip him in his *politick Capacity*, anticipated his Murder, and then left his naked Person to be persued by the * *Wolves* that worried it; they had turned their House into a *Shambles*, and that of *Slaughter*; and were the Butchers the less *Bloody*, that only bound Him, and left to their Boys the cutting of his Throat: yet this Barbarity mult

V

Be

* *Parliament Roll Nurn.*
7. *Lex & Consuetudo Parl.*
25. *Ed. 3.*
El. & Jac.
|| *H. post-ic. p. 89.*

† *Ibid*
p. 114

* *Salmastius*
has the same sort of simile.
page 353.
defensio Regia.

be defended; this extenuated by them, and the help of their *Hints*, and such Advocates; the guilt not to devolve to each *Individual Member*, because an Act of an *Aggregated House*.

* Hunt.
page 94.

† 21. Ed.
4. 13. 14.
and noted
Calvinist
Case.

Calvinist
Case.
1. 1. 1.
1. 1. 1.
1. 1. 1.
1. 1. 1.

But bafe *Counsels* (to use even the very Lawyers own Language,) your selves know that a *politick Body* may be guilty of a most *political Treason*; and tho the Laws tell us it has no *Life* or *Soul*, and so can't suffer; yet its *constituent Members* may lose both, be *Hanged* and *Dam'd* in their proper *Persons*, and that for committing it too against such another *political Constitution*.

It would otherwise be a fine Plea for *Corporators*, that have been many times *Defendants* in the Case, when their King has been *Plaintiff*: And against whose more *dangerous* Sedition there was lately made *special Provision* by a *particular Oath*.

|| *Act* for *Regulating Corporations*, where they particularly swear, they abhor the *Traiterous Proposition* of raising Arms by His Majesties Authority against His Person.

Lastly, to conclude the Confutation of this sad silly sort of Sophistry, this *Seditious Nonsense*, 'tis shrowdly to be suspected that from the same sort of Sophisters,

phisters fallacious Inferences was first insinuated that prejudicial Opinion (I call it so, because it looks like a Doctrine of some concerned party) That Societies were not punishable in the next World for the Villanies they had committed in this: That is, the Members were not to suffer there, for what they had acted in Relation to such a BODY here: this Religious Absurdity has been Publisht by some Seditious Pens from the Press, I wish I could say not imposed upon Loyal ones too, both from that and the Pulpit; for Errors, especially when coloured with the bait of Interest, tho first hatcht by the Brooders of all bad Principles, till well examined may delude the very best: I know it may be returned with some seeming Reason, that Crimes committed here, as a Member of a body politic, can't well in Justice be laid to the Charge of any particular Person hereafter; for upon the dissolution of the natural one, the Relation to such a Community ceasing, the Guilt and Crime contracted should dye too: But the Judge of Heaven has declared he won't be mockt, tho they thought those of the Land might. How contentedly

would some of the Regicides have given up the Ghost, could they have pleaded to the Almighty their Innocence of the Royal Blood, from the shedding it in *Parliament*? But tho *National Sins*, may require reasonably the sufferings of a *Nation*, and no more than what for this very Sin, our *own* has since suffered; therefore to suggest the *single* Individual, the *singular* Sinner shall escape with Impunity *hereafter*, because not punished *here*, or that because several of them suffered *here* for that Martyrs Blood; and the Treasons of an *Universal* Body seem'd to be punish'd in as *general* Conflagration; that therefore the Criminals have superseded their sufferings in *Hell*, and may now dare *Heaven*; for my part, seems an Opinion as ridiculous as the *Popish* Purgatory, and their being saved by a *fantastick* Fire: 'Tis almost an *Irreligious* excuse for all manner of Crimes and *Immoralities*; the *Constitutions*, *Circumstances* of Men being so *various*, that I dare avow scarce any Villany, but may be committed by *Communities*, or the Politick Relation of the *private* Person to some *publick* Society. In short *such* Law, and *such* Divinity, would make the worst of Re-

Rebels, (that is *incorporated* ones) fear *Hell* no more than they would the *Hangman*, and baffle the *Devil*, as well as the *Gibbet*.

And I may well here so warmly condemn these sort of damnable Doctrines, when they were so *hotly* maintained by the *rankest* of our *Rebels* and *Republicans*; and this very *Demon*, this *Devil* of Sedition, can only countenance his *Rebellious* Positions with the making use of His Majesties *Authority* for the Ratification of his *Proposals*, that is, the Destruction of his *own Person*: For 'tis a *great Truth*, I wish I could not say an *experimented* one, that the granting them these *Regalia*, would not only be an Act to bereave him of his *Crown* and *Dignity*, but would pass his very Person into the *Donative*; a yielding up of his *last Breath*, the making himself his *own Executioner*, as well as a *Betrayer* of his Trust: This Project is only the pernicious Principle improved; the late *Rebels* falsely assumed His *Authority*, for the *Fighting* against His *Person*; but the prevailing upon him for these Destructive Grants, would make Him truly *Fight* against *Himself*.

In all the Reigns of the three following *Henries*, their Sovereign's Supremacy was still asserted, and that over Parliaments too, tho one of them was but an Usurper on the *Crown*, and then I am sure as great an one upon their *Privileges*; and tho themselves had placed the *First* in the Throne, themselves also acknowledged * the *Regality* of the *Crown* of England to be Subject to none but God: To the || *Second*, they acknowledged that to *Him* only belonged the Management of Foreign Affairs, with Foreign Princes: To the † *Third*, that he could constitute County Palatines, and grant any Regal Rights per Letters Patents. And these were Matters and Affairs, themselves then declared they could not pretend to, tho this Gentleman would now have them or their Counsel manage all.

* 1 H. 4.

|| 2 H. 5.
Cap. 6.

† 32. H. 6.
13. Plow-
den. 334.

In *Edward* the *Fourth*, and the *Fifth's* time, 'twas always received Law, then made, and should I hope, hold still, that *State Affairs* were to be manag'd by the *Prince*; for it was then allowed for * Law, That if all the Common People of *England* should break a League, by agreement with any Foreign Nation, it shall still

* 22. Ed. 4.

still be reputed *firm* and unviolated if
without his consent : And in his very
 || Sons that Succeeded, resolved by *all* || 1 Edw.
 the Judges and Serjeants, that he was 5. fol. 2.
 the *only* Person in the Kingdom, that
 could do *no wrong* ; which sufficiently
 declares him above all them that *could* ;
 and then who so fit for all absolute Pow-
 er in all publick Administrations, than
 whom the very Law presumes always
 to do *Right* ? and whom Reason tells
 us must be most impartially concerned
 for the publick good ; having no de-
 pendance upon any Superiors, from
 whom an Apprehension of *Fear*, or
 hopes of *Favour* might prevail upon to
 degenerate into that servile and sordid
 Compliance, to prefer his *own private*
 Interest before the *publick* good, What-
 ever Presumption the Law had of it
then, I am sure they have a Prince that
 justifies the Supposition *now* ; and then
 the most ungrateful Paradox, and against
 Sense it self, for our Seditious Souls to
 suggest, and insinuate his Real Intenti-
 ons for their *Good*, to be nothing but
Design and *Plot* upon them for *Ill*. An
 ORDER of Council, with such Syco-
 phants is turned into a *trick* of Court ;

And their Kings Proclamations are obeyed only because they cannot conveniently resist, as if the whole Board was packt only to please a *designing Prince*.

But, base Villains, your selves know that his aims have ever been for the publick *Peace and Prosperity*, even at the same time your dangerous disorders have made it almost inconsistent with his own *safety*, and *security*: You see your Sovereign Sit and Act in a Sphere, (and that only He) where *Favour* cannot *charm*, or *Fear* frown into Compliance: And who can be supposed, then, besides him, less prejudic'd, or more concerned for your good? Would you have your Gentlemen of the *Shop and Tard* take their *Measures* of the *State* too? We have experimented already that those made the very Government a *Trade* also; and by those your very Properties and Lives too, would be *bought and sold*, we too lately saw some *Symptoms* of that *state Distemper*; when some of the Seditious Souls had but gotten the Government of a *single City*; and that but under a *Sovereign* their *Supream*; and sure 'tis an Argument unanswerable that those *Salesmen*

even of his *Prerogative* would assoon Bar-
ter your *Properties*.

See the sad experienced result of all
the *Democracies* since their first Instituti-
on; what was left the poor *Lacedaemoni-
ans* upon putting in Execution, that
popular Project, their * *Petalism*; or Im-
poverisht *Athens* her self upon such ano-
ther Order of her *Ostracism*? why both
were beggar'd of their Nobility, the
Scum, the *Scoundrels* of the *Town* turn'd
the *Mighty Massinello's* of the *State*:
The *Tod-Pole Train*, the product of those
beggary Elements *Mud and Water*, Lord-
ed it even over all the *Land*, And those
Rulers naturally retaining in this *Medley*,
this *Mixture* of *Sway*, the *Native Prin-
ciples* of that *Abject Matter* from whence
they came, still as mean as the one, and
restless as the other, could never reduce
them to composed States, till they had
recalled the good Governours they had
Banisht before. || you know all this is too
true, and your selves too, vile *Caitiffs*,
have owned it in *Prints*.

* So also
in *Syracuse*.

|| Vid *Mer-
cur. politic.*
June 17.
1652.

Lastly, Let your *Lords* too be allowed
for once, your only, as well as it is your
beloved *Government*: Let *Aristocracy* for
once obtain for the best, and Banish your
Mo-

Monarch; set up that *Idol*, and fall down to the Gods of your *own* Hands, that *good Government* must still be of *many*, still of as *much* divided Interest; there would still be *many* then to mind the making their *own* Hay in the fair Sunshine; whereas should your Prince perjure himself for the minding only his *private* concern, and neglecting the *publick* good; which he must do if ever he is Crown'd, where an Oath is administered for his very *discovering* it; yet still here would be pursued but the *Interest* of a *single* Person, there of so *many*.

When the rash and unadvised *Romans* had upon that *bandied* Argument, the Dissoluteness of their *Tarquin*, the popular president of the *Party*, for the *Banishing* of all *Kings*; (as if the Practice of a *Rebellious Rome* against a *single* dissolute Prince, and that so long since, could with the same Reason prevail at present, for an extirpating the Government even under the *best* of *Princes*;) yet this very precipitous Act of Rage, and Rashness, was afterward even by the *relenting Romans*, as much repented of, and their Error, best understood in their

their following Misfortunes; and of which they were soon sensible too, soon saw it in their subsequent sufferings; for the first Frame of Government they constituted after this Expulsion, was the * *Consular*; and one would think that being but of *two* of the chiefest among them, that it might have lasted, as indeed the *best* sort of Aristocracy, coming within an *Age* of a Monarch, a *Dumvitate*: yet even from these they suffered more, than from the first Constitution they had abolished; their more *immoderate* power broke the Laws more *† immoderately*, than the Lustful, Licentious, and Lewd Monarch, they made to fly with his Fugitive Government: We shall in some other place consider the restless Revolutions they ran through, from their turning out this Monarchy, till they tumbled into it again. This serves only to let us see that publick Administrations, even in the hands but of *two* of the *best* of the People, are not always the best managed. What pray *better* can be expected, when the *Optimacy* is made up of *so many* more?

* *Rosin.*
Ant. Rom.
L. 7. C. 9.

† *Conful-
lunt im-
moderata
potestas
omnes me-
tus Le-
gum excus-
sit. Liv.*
Lib. 2.

And

And where then? into what form? to whom, shall we run for the *best* maintaining of this popular Darling? this dangerous Violation that has been clamoured for, rebelled and fought for, the Peoples *RIGHT*, but to that *Sovereignty*, which our very Laws say can do no *wrong*, to a Monarchy, where *Mechanicks* can never meddle with *Affairs of State*, to make them truckle to their *own*; or the *Nobility* so powerful as to be all *Sovereigns*; and under what Prince can we better acquiesce for this enjoyment, than the present, that has so often declared for its Protection? And shall the Speech of some *Noble Peer* be better assurance, promise more, than the *word of a King*? All Subjects under him have either Riches or Honor for their *private Aim*, to make them act more partially for the *publick*; and which the Laws presume *therefore* they may injure, and have *therefore* made the *greatest* punishable, But him exempted from all * Statutes that are *Penal*: And these sort of Arguments, I can assure them, their King himself has used to prove the publick Interest his *own*; and that he *alone* of all the Kingdom can be presumed

* He can't
so much as
be a diffi-
culty for 4. El. 2.
4. 6. The
King has
no Peer in
the Land,
and so
cannot be
Judged, 3.
Ed. 3. 19.

med most impartially concerned for the good of the publick. A Reason worthy of so good a King, and which the worst, the most Seditious Subjects cannot Answer.

Did not the Parliament, in Richard the Third's Time, give even that Usurper an Arbitrary Power greater than any they can dread now from their most Lawful Sovereign? Did not * they declare him their Lawful King by *Inheritance*, tho they knew they made him *Inherit* against all Law? Did not they declare it to be grounded upon the Laws of God and Nature, and the Customs of the Realm? whereas we now can oppose this Divine Right, from the panick fear of making our true Legal King too powerful, and the Succession of a Right Heir must be questioned by our Parliaments now, when their Predecessors declared it *unalterable* even in a wrong. Did † they not to him but an Usurper, a Tyrant, own themselves Three Estates without including himself, and say that by them is meant the Lords Spiritual, and Temporal and Commons? and shall the Press be pestered under our undoubted Sovereign, and the mildest Prince, to make

* Vid.
Exact A-
bridgment
fol. 713.

† Vid. lib.
717.



* I. R. C.
15.

make him Co-ordinate with the People? Did they not make particular Provision in * Parliament, for the Preservation of His Person, that was the very Murderer and Destroyer of His Subjects? And shall our ungrateful ones Associate for the Destruction of the mildest Monarch, whose greatest Care is their Protection? Was this Monster ever questioned or censured for the Murder of several of His Subjects, as well as the more Barbarous Butchery, the spilling almost of his own Blood in his Nephews? and must our most gracious one stand the mark of Malice, and Reproach, and that only for defending that of his Brothers? who Reigned more Arbitrary, and managed all Affairs more Monstrously, than this very Monster of Mankind? And must a Parliament, be now the Manager of the mildest Monarch? and think him dangerous if not governed, by themselves?

The two Succeeding * *Henries* had their Power as much confirmed; *Henry* the 7th. had his Negative Voice, the thing, those Seditious discontented Grumblers, so much repine at, maintained, asserted, for his undoubted Prerogative. It is at pre-

* H. 7.
H. 8.

present by the Law of his Time, no Statute if the King assent not: A Prince Beloved and favoured, only because he was their King; who tho he had as many subsidies granted, more than any before him; His Subjects you see never thought it a Grievance then to contribute to their Sovereign's being Great: but acknowledged his Supremacy even under their greatest pressure: His Extortion upon penal Statutes * Historians call and the Law, the most unjust way for raising of Money that was ever used; yet still had he the Hearts of his People, as well as their Purses: They thought Rebellion then could not be justified with clamor of Oppression; as since by Ship-money and Lane, tho levied by a King whom themselves had Oppressed. The simplicity of those times made them suffer like good Subjects and better Christians, when the refined Politicks of such Authors, and a profligate age, can tell them now to be Wise, is to Rebel.

|| 12. H. 7.
20. 7. H. 7.
14.

* Vld. 4.
Inst. Baker
page 248.

I need not tell him who managed Affairs in Henry the Eighth's Time, when Parliaments seemed to be frightened into Compliance with a Crown, and Bills

† H. 8.

Bills prefer'd more for the pleasure of the *Prince*, than the profit of the *People*: Their Members then so far from meddling with the measures of the State, that they seem'd to take them for their sole *Measures*; so far was then an *Order* of the House from controuling that of the *Board*: And I can't see that the *Peoples* * Petition of *Right* has since beg'd away too the *King's* Prerogative; yet it was affirm'd for || *Law* in this *King's* Time, that *he* had full power in all Causes to do Justice to all Men. If the Parliament or their Council shall † manage Affairs, let them tell me what will become of this Power and Law.

* 1 Car 3.

|| 25. H. 8.
C. 21.

† Plato.

His Son *Edward* succeeded him, and tho a Minor, a *Prince* whose Youth might have given the *People* an opportunity for an Encroachment upon his Power; and the *Subject* commonly will take advantage of the *Supremacy*, and that sometimes too much, when the *Sovereign* knows but little, what it is to be a *King*: I am sure they were so Seditiously Wise in that Infancy of *Henry* the Third; and yet he had Protectors too, as well as this: But notwithstanding such an Opportunity for the robbing the
the

the Rights of the Crown; you shall see then they took the first occasion for the asserting them: In the very First year of his Reign, it was resolved that all Authoritie and Jurisdiction, *Spiritual* and *Temporal*, is derived from the King; but this Republican has found out another Resolution of resolving it into the power of the *Parliament*. And in this very || Reign too, it was provided || 5 Ed. 4. as the common Policy and Duty of all Loving Subjects, to restrain the Publishing all manner of Shameful Slanders against their King, &c. upon whom dependeth the whole Unity and Universal weal of the Realm; what Sentence then would the Parliaments of those times have past upon Appeals to the City, *vox patriæ*, and a *Plata Redivivus*, upon a Libel that would prove the † Kings Executive power of War forfeitable, and that the * Prerogative which is in the Crown, binds the Execution of the Laws; tho I am sure those very Laws are the best Asserters of the Prerogative? there next resolve would have been to have ordered such an Author to the Flames, by the Hands of the Hangman, instead of that Honorable Vote, the thanks of the House.

† Plat. pag. 117.

* pag. 237.

X

In

* 1. Mar.

c. 2.

|| 1. El. c. 1.

In Queen Mary's Time too, the Law left *all* to her Majesty, tells her all * Jurisdiction does, and of Right ought to belong to her. In Queen Elizabeth's Time, what was Law before; they were obliged even to Swear to be so. Every Member of the House before qualified to sit *in it*, forc'd to acknowledg his Sovereign SUPREMACY, in *all* Causes, over *all* Persons : And were their Memberships to be modell'd according to the Commonwealth of this Plato, their Oath must be repealed or they *perjur'd*. Their very Constitution would be Inconsistent with his Supremacy; they must *manage* and *Command* at the same time they Swear to *submit* and *obey*.

† Jac. c. 1.

Was there ever a more full acknowledgment of Power and Prerogative, than was made to King † James upon his first coming to the Crown? And tho I confess they took upon them to *manage Affairs*, in his Son and Successor's time: yet this was not until they had openly bid him defiance to his Face, and actually declared War against His Person; then they might well set up their *Votes* for Law, when they had violated the *Fundamental ones* of the Land; yet

yet themselves even in that Licentious, and tumultuous time, could own || that *such Bills as His Majesty was bound even in Conscience and Justice to pass, were no Laws without his Assent*: What then did they think of those *Ordinances* of Blood, and Rebellion, with which *themselves* past such Bills afterward? so *unconscionable*, so *unjust*: Here it was, I confess, these Commons of this pernicious Projector, took upon them the *management* of the State; their *Councils*, their *Committees*, set up for regulating the *Kings*: Then their + *Pillor'd* Advocate that lost his ears, as this with his Treasonable Positions, should his *Head*, Publisht the very same Proposal in his pestering Prints; the very *Vomit* of the Press, to which the dangerous *Dog*, did in the Literal Sense *return* to lick it up, still discharging again the same choler he had brought up before, in a Nauseous Crambe: A Wretch that seemed to Write for the *Haberdashers* and *Trunk-makers* instead of the *Company of Stationers* that *Elaborate* *Lining* the *Copious Library* for *Hat-cases*, and *Close-stools*, that *Will* with a *whisp*, whose fuming Brains were at last illuminated for the leading Men in-

|| K. Charles
his Collect.
Ordinanc.
1. part fol.
72B.

+ Vid. mil.
Pryas Par-
liam. right
to elect.
privy
Councils
lori.

|| Vid. his
Memen-
to to
Juncto, for
the † 2d.
his Parlia-
ments So-
veraigns
Power.
For the
* 3d. his
Lords, Bi-
shops,
none of
the Lords,
Bishops or
the Buck-
le of the
Canonical
Girdle tur-
ned be-
hind.

to *Boggs* and *Ditches*, Rebellion and
Sedition. The *Confusion* of others only
for the *confounding* of himself, || for a
King, for the † Parliament, for the
* Presbyters, for every thing, for no-
thing, but that ONE thing *Scribble*.

Compare the power of his *Parliaments*,
and his *Unparliamentary* Juncto; the
meer Lumps of distorted *Law*, or *Legal*
Contradiction, with the 25th. of *Ed-
ward*. He first *deposes* his King, and
even there then finds his *Deposition* *Treason*.
Their Divine *Baxter* never baffled him-
self more with the *Bible*, and the *Gospel*,
than this *Elaborate Legislator* with the
Statute, and the *Law*. *William Writ* a-
gainst *Pryn* too, in one Page proves his
King *Supream*, in the other his Parlia-
ments *Supremacy*, the most Mutinous
Member would needs be *Loyal*, when it
was to late; and the most Malitious
Miscreant at the Pen, Publisht his *Me-
mento*, when his Money with his *Mem-
bership* was sequestred from his own
Home, as well as his self from the Parlia-
ments *House*, and then palliated it with
a piece against his Majesties Murder: I
the more Liberally enlarge upon this,
because his party the Presbyter would
ap-

appropriate to themselves from some of his Papers, the *Vindication* of their King; but what I am sure in *sincerity* was their own *Revenge*, They, the *Scot*, and the *Todpole* Spawn of both; that *Independant*, made use of unanimously the Defence of their *Prince* for the Destruction of his *Person*, and then the differing *Damagoues*, with the very *same*

* Pretences strove to put upon *each other*, that is, *both alike*, full of the same *falsehood*, *both alike*, fancyed their own *Integrity*: they seemed to *Labor* for the

* Vid. Answer of our *English* Presbyter to the *Scots* Commissioners. The *Scots* reply from their Camp at *Newark*. The Members to the Army. The *Armaies* Answer to the Members. The *Scots* Remonst. to the Army. The *Armies* reply.

two *sublimated* Vices, *Hypocrisie* and *self-conceit*, whereof the one made them *twice* Villains, the other *double* Fools: And this *Confunder* of *Paper*, as well as the *People*, Publisht *then*, || the very same Principles this starch't Republican has proposed now for *new* Politicks of State; *Pryn* and *Plato* differ *only* in this, one Labour'd to make *Law* speak *Treason*, the other *Sense*.

An. From
41. to 48.²
Pamphlets
or waste
Papers.
125.

Lastly were not the Parliament very tender of this *last*, this present Princes Power and Prerogative, when they ena-

* Act for
Regula-
ring Cor-
porations.

† Vid. Plat.
Parl. of
Commons
began with
H. 3. with-
in 400 y.
Kings in
Caesars
time 1000
y. since.

‡ Delibera-
turi de ar-
duis. 4
Intit. 2. p.

γ Plato.

ed a new * Oath, to be taken by all in Office, for the Renouncing the Tray-terous Position, of resisting his Majesty, with his *own* Authority: And this Rebellious Proposal of our Republican is to make even the *Parliament* it self to make use of his † *Authority*, even for an Usurpation upon his *Prerogative*; and when once they come to *Manage* that, they may be sure they'll be his Masters too, and I hope 'tis now in some Measure proy'd even in the several particulars, I undertook should be so, that our Monarchs had heretofore an absolute *Management* of Affairs, without an Interfering of Parliaments, which then had not so much as Being, and which were, since they had it never called, as their very Writs express it. but to || *consult*, that they never offer'd to let a *Council* over their *King*, much less themselves (as this * popular Pedant calls it) to Manage his *Militia*, and demonstrated this as was designed, from *Prescription*, even beyond Chronicle, from the *Laws* of every Reign, and my little Light of *Reason*.

All the following Propositions are as much against *Reason* and *Law*, for the third is, that the *Judges be nomi-nated*

noted by Parliament; which as it would divest the King of part of his Supremacy; so it would make themselves in effect, both Judges, and party, for those, then their own Creatures, would have the Exposition of those Laws, which themselves had made: The Law allows all the Four Courts at Westminster, to be all Courts by Prescription; and then let them tell me to whom belongs the power of Electing those that are to preside in it, to the Kings of England; that can prescribe to their Government, even from the very Britains before Caesar ever set Foot in it, near 1700 Years ago, and with whom, their Courts of Judicature were ever Coeval? or the Constitution of a Parliament, that first within this four hundred years could be said to have a Being? and so that which themselves would now controul, had a Priority even in time to their Existence, for near 1300 Years: It is called the Court of Kings Bench: Let them name the Judges; it must be no longer His, but the Parliaments: 'Tis Rebellion in them to assume it, for they must at the same time too take the Sovereignty, the Supremacy; and 'tis that such Seditious

|| Cook 5.
fol. 62. 9.
Ed. 4.
Cook 8. f.
145.

|| 3 El.
Dyer 187.
Cook 4
Inst. c. 7.
P. 73.

* Ibid.
P. 74.

† 32. H.
6. 13.

|| Plowden
334.

Proposals must aim at, and truly do; for 'tis expressly declared for || Law, *that the Justices of the Kings Bench have Supreme Authority*; the King himself sits there in them, as the Law intends, if the Parliament can chuse their *Kings Representatives*, they can their *King* too, and make the most *Hereditary Kingdom Elective*, before the Reign even of *Edward* the * First, the Chief Justice of this Court was created by Letters Patent; 'tis *out*, ever was, and will be *out* of the Parliaments power to create *per Patents*, even a petty Constable; 'tis the King alone that by these his † Letters can constitute Courts, and grant all Regal Rights: He can erect a || Court of Common pleas, in what part of the Kingdom he pleases, and shall he that has a power over the very being of the Court, not be able to place his Ministers of Justice in it?

* Pollid.
Virg.
† 4 Inst.
6. 8. *ibid.*

The *Chancery* is a Court of such Antiquity, that long before the Conquest, we have several accounts of it, tho some that were * *Foreign* to our *Laws* as well as *Land*, would make it commence with the Conqueror. Our very † *British Kings* are said to have had such

a Court, and *Ethelred* the Saxon, granted the * Chancellorship even in Succession; I need not, it would be Nonsense to design to prove Parliaments had nothing to do with such Affairs so long before they themselves *existed*; and in this Monument of Antiquity fam'd for the Distribution of the most Equal Justice (since they cannot pretend without shame to the power of Electing such an Antient Officer of the Crown;) why, what they can't presume to *mend*, must be quite *Marr'd*, and utterly Abolish'd; *Pryn* himself could never pretend, that this Great Officer was the Peoples; tho that popular piece of Absurdity might have prov'd it too as well he did the rest from the paradox of all our Princes being *Elected*; which tho allow'd them from their *perverted* Histories, yet still those whom they say were *Chosen*, had the Liberty of *Chusing* their own Ministers sure; they can't have the least shadow for such a silly Conjecture, therefore this || Sophister having just so much sense as to conceive from the begging one false Principle the most Damnable Falsehoods can be deducted, concludes, but yet very Cautiously, with a (believe so) that

* Mirror
c. 1. §. 12.
Fleta. l. 12.
c. 1. Glauvil. l. 12. c. 1. and all the most ancient Lawyers speak of it.

Plato.

|| Pryn's
Parl. right
to elect
great Officers and Judges.

that since *Kings* were first *Elected* by the *People*, Officers of the *Crown* were so too; that is, first be *Lyes* like a *Knave*, and then *infern* like a *Fool*.

But the Printing and Publishing now the Reasons for the rejecting this Judiciary is only to try how near the natural *Sons* can tread in the *Prints* and the very footsteps of the former Rebellion of their *Fathers*; for in the Reign of *Henry* the Third; when this Mighty Parliamentary Power was first hatcht, far from being brought to the Maturity to which Time and their popular Encroachments have since ripen'd it, then the meer Embryo of State just modell'd and conceiv'd. The Rebellious Barons being then the *Parents*; as also a Rebellion since the *Nurse* of such Seditious proposals; demanded the very *same* piece of Prærogative, to have the * Chief Justice the Chancellor, and Treasurers to be chosen by themselves; and then exercis'd the power when they had got it like so many *Tyrants* too, that Ostracism upon the *Kings* Officers of State, succeeded no better then that at *Athens*, only to make room for so much worse; the *Leaguers* in *France* Petition their King to remove

* An. Reg.
H. 3. 22.
Dom.
1230. Vid.
Baker p.
84, 85, 86.
Vid. Stow.

¶ Vid. Davila. pag.
482.

move his Counsellors and Officers, that they might put in others of their own; and shall the Presidents of *Papists*, and that of *Rebel* ones obtain, even with our *Puritans*, to *Rebel*; will they boldly own themselves *Protestants*, and not *Blush* in the practices of those very *Catholicks* they condemn.

Did not our late Rebels and Regicides show themselves *more* Modest, and Regular in their Attempts for Reformation, than this more insolent Republican; they never entered upon Abolishing this Court, till they had extirpated the *Monarchy*; it was the || Council of State, that then voted it down; the Rump it self, the very Nuisance of the Nation, had but just thought it convenient, among the midst of all their *Innovation*, to root out a Constitution so Old; they had but just Voted for the taking it away, when Pride's *Purge* came and scoured both these *Legislators* and the *Law*, and tho then, the Chancery was criminated with the same Aspersions; we find lain upon it in * *this* Libel, for † *Chargeableness*, *Dilatories*; yet even by those most virulent Villains, it was allowed, if well managed, to compare

|| 5 Aug.
1653. Vid.
Scob. Coll.

* Plat. Red.
† Vid. Ex-
act Relati-
on of the
Parl. Dis-
solved. De-
cemb. 53.

Plat. p.
130.

pare with any Court in the *whole* World; whereas the || Doctor of Sedition *here* thinks, that at the *best*, there is not to be found a *worse* Tribunal in the Universe, neither was it easily compast even in those Times of Confusion; there being no less than three or four Bills brought in for the purpose, before they could with the *Corrupt* Committees of that *Council* agree on *one*; for the Commissioners for this Regulation, understanding as *little* Law, as they had broken *much*, had hardly the Sense to propose their own Sentiments in such a way, as might make the Members Sensible, there was any Reason for the prosecuting the *very* Work they had Undertaken; they seemed to resolve only to Ruin a Court constituted with the Monarchy it self, before they could agree for the reestablishing another in its Room; there seemed a sort of *Sympathy* between *that* and the *Government*, both *founded*, both *fell* together, and *both* before the Subverters, had or were like to find out a *better*; *Livy* tells us like it, of another such a sort of rash Rebellious Reformers in *Italy*, a distempered State, that fell out with their Aristocracy,

cy, and designed a Deposition of their Old Governors, and that only to chose new. But before they could agree upon choice, they found it, I'll assure you as difficult to get better, as it was easie to destroy whom they thought worse, and so with a wise Acquiescence, were satisfied, and sat down with an unintended Submission: It had been well for ours, had they been so wise as to have thought so, and done so too. But so furious were they here, in this very point of Reformation, that tho * they could not agree upon what they would Reform before the Term approacht, the Members that had Voted for the Abolishing, (as they call'd it, this Corrupt Court) would not care to pass through the Hall, while it was sitting, but moved to have its Jurisdiction suspended, till they were agreed for the manner of its utter Extirpation; and on they went with their Legislative Swords, their Armed suffrages, till they past that Second Vote for the new modelling of all the Law, and so not only suppress the Chancery, but that Malignant party, Justice and Equity was Banisht by those very Villains that had broke all the Statutes of

*Vid. Extract Relati-
on of the
Proceed-
ings of the
Parl. dissol-
ved, Vid.
Decemb.
12. 53.



of the Land. In short, they never did ~~destroy~~ these Judicatures; but when they did ~~Destroy~~ their King, they never ~~chose~~ their Judges, but when they had ~~usurp'd~~ the Supremacy, they never can do either without subverting the Monarchy; for 'tis their own Sovereign that sits and presides in them, and the Judges Officiate but for him, because not ~~if sufficient~~ for it himself, and therefore has committed all his power of Judicature to these several Courts of Justice. The King is said to Judge by ~~his~~ Judges, if the Parliament elect them, they are none of ~~his~~; they chuse their Sovereigns Representatives, while they would think it hard his Majesty should make the People, or nominate but to a single Burrough.

Thus much for their Management of the State, the next part of the Proposition, is their modelling of the Church, and in that our modern Republican agrees with our Old Rebels, for the depriving the Bishops of their Votes: That was one of the Projects was set afoot, as the very forerunner of our former Troubles, that was publisht * over again in several Papers and Pamphlets

now

¶ Et par
ceo que
nous ne
suffisons in
notre pro-
pre Person-
oyer &
Terminers
Cic. Vide
Bia. f. 12
Vid. 2. l. 6.

* Vid. Bi-
shops
Right, and
Discourse
of Peccage
81.

now, besides in this very piece: and could they condemn our Fears of a Sub-
 version of the Government, when their Libels in & about 80, lookt only like the
 new Editions of those in || 41, as if printed *Rebellion* was to suffer but a *Reim-*
pression.

|| Vid. Scots
 Libel on
 the Bish.
 and Leigh-
 tons in Eng-
 land.

You shall see how they began with the Bishops just before the *last* War in their *Libels*, and then how of late they began to *War* upon Episcopacy again in their *Papers* and *Pamphlets*, you shall see how the Parliament Espoused the Peoples Quarrel to that Hierarchy *then*; and how near our late House of Commons was for falling upon the Prelacy now? *Leighton*, a virulent Scotchman, led the Dance, with a Zeal like that the Nation it self shewed afterward against that Apostolical Order; he told the People plainly, they must Murder all the Bishops: And in his canting Phraseology, * *Smite them under the fifth Rib.* 'Tis true the Government of Church and State, stood yet so strong upon its *Basis* tho shaken with an undermining Plot, that it dared to punish such an Execrable Villain, with the Pillory; and sentenced he was in the *Star-Chamber*,

* Vid.
Leighton's
Sions Plea
Priviled
 1636.

ber, to be stigmatised, cropt and slit; and tho the Parliament had not openly declared themselves against this good Government of the Church, yet they had shewn such Symptoms of their Disaffection to it, that this Impudent Libeller could presume to make them his *Patrons*, and present them with his *Plea*. And I ha'n't found in all their *Journals*, any *Order* for so much as the censuring him for such a piece of Presumption.

To exclude the Bishops from Voting in their Assembly, the Confederates of Scotland drew up a *Libel* against them, one in the *Literal* Sense, full of Scandal and Reproaches: But the denying them ~~there~~ their Rights in Parliament, was soon seconded with the Robbing them of *all* too they had in the Church, whom they had *excluded*, they soon *Excommunicated*, and then abolished utterly the sacred Order, so did also within two years after the good Parliament of *England* begin with the Prelacy too. Pennington with his packt Petition of Prentices, presented to them their Abhorrence of that Hierarchy, the cunning and counterfeit Commons; that
House

House of Hypocrisie, seemed a little dissatisfied with an Alteration of the Church Government it self, (that is) they did not care to pluck it up presently, *Root and Branch*, but fell upon another Argument somewhat more plausible, tho' to the Zealots less pleasing; but what in truth was but Introductory to the same thing they more deliberately designed, that they might proceed somewhat like Senators *soberly* to Sedition: and that was about the Synod, and Convocation, Canons, and Constitutions Ecclesiastical, which they soon resolved to be against the *Fundamental Laws of the Land*: But these Lay-Members were only mighty loth the *Clergy* should here have their Representatives, as well as the *Laick*; they must otherwise have seen, that such a Resolution would upbraid them to their Faces with a *Lye*; for this their Court of Convocation, was as much founded upon *Law*, and more too perhaps, than even that of the *Commons* themselves, who with their inconsistent Votes with Contradiction it self, condemned it.

Exclude the Clergy, and the very Foundations of your House must fall:

Y

Did

Did not former times allow you Representatives, that every one might have an Hand in the Composition of that, which he had an Obligation to obey? Banish the Bishops, your Assembly, and tell me by what Proxies the Church shall be represented; and what shall tie her to the Observation of those Laws, to whose Constitution she gives no consent.

* Beda tells us Augustine the Monk called one of the British Bishops.

An. Dom. 686.

King Ina, a Convocation of Clergy An. Dom. 727. of the Saxons.

|| The very Words of their Vote against the Cannons Vid.

Journal.

† Register

F. N. B.

4. Inst. p.

322. c. 71.

For a Thousand Years before they had a being, there were such * Synods Assembled, never called But by the King's Writ; and they have no other Authority for their own Sitting; and might as well have Voted, that their own Assembly, as indeed it was afterward, was || against the Fundamental Laws of the Realm, Prerogative of the King, Property of the Subject, Right of Parliament, and did tend to Faction and Sedition: And tho those Canons and Constitutions were streightened and limited in Henry the † Eighth's Time; and it was provided, that none for the future, that had not the Royal Assent should be put in Execution; yet such Reverence and Respect, had the Parliament of those Times (which I think was made

made up of a better sort of Reformers, than what past their suffrages for the setting aside this *Synod*) that notwithstanding that Limitation, they put in an express *Proviso*, * that such Canons as were made before that Act, so long as they did not contradict Law, should be still in force after, and this was at a time too, when they were so far from being the *Bigots* of Rome, that they were reforming from Her, and acknowledged their Kings Supremacy even in || several of those Convocations, tho whatever Religion they were of, Common Reason cannot make it a Crime, the countenancing of the Churches Right; but these Violators of her *Privileges* soon discovered their Design upon her *Patrimony* too, for in the same Session, and that soon after, they that thus set aside the Churches *Synod*, sent up an Impeachment of *Treason* against its Metropolitan, and that by the Hands of *Hollis*, a hot-headed Member, whom his Majesty could have made appear, and within a year after did demand for a greater *Traytor* too: That Honoured *Hollis*, that lived so long, and so lately to Murder the Bishops once more in their + *Peerage*

* Vid. 25.
H. 8. for
their Anti-
quity. see
Bractonl.
3. f. 123.
Hol. 303.
6. H. 3.
Rot p. 18.
Ed. 3.
|| 26. H. 8.
C. 1.

† His Dis-
course of
Peerage.
London
1679.
whom *Hunt*
himself
could
oppose.

as well as *Person* ; but having gone so far, what they had scribbled down before with their Labels, they soon damn'd with a *Vote*. And in the same Year past that Bill, that their *Spiritual* Lordships should have no suffrages in the Senate of Lords.

And when they were come to this once, to deprive them of their prescrib'd Privileges, and their Legal Rights, to send twelve of them to the *Tower*, only because they would not tamely forego the very Church's Birth-right, but entered a Protestation against the betraying of their Trust, you might think their Order it self, tho never so *Primitive*, never so much *Apostolical*, was not like to be long liv'd ; for in the very next Year, tho it was the good Kings giving one, when *Star-Chamber* was abolisht, the High Commission put down, Ship Money relinquisht, with six or seven several Acts besides for disclaiming Privileges, still his Seditious Subjects had so little Sense of his Goodness, that even in that very season of Grace, a * Bill was brought in for Abolishing this sacred Order, *'Root and Branch* ; 'tis true, 'twas then husht up in the House ;

1641.

House; the provident Patriots understood how to time it better, they had not yet come to covenanting, and concluded with the Kirk; but as soon as they had framed their *Holy League* || in Imitation of the *Scotts* solemn one, which they afterward swallowed up too, and called their Assembly of Divines by special *Ordinance*; then it was as soon ordained, according to the Resolution of the Lords and Commons, that all that Hierarchy, should be utterly Abolish'd, as an Impediment to Reformation and Religion.

|| *Mildmay's*
Oath taken 15. of
June 43.
Scob. Col.
page 42.

Thus you see their *Mar* Prelates, their *Pryns*, their *Leightons*, with their Libels, then first led the Dance, for the destroying that Order; and I wish we had never seen so great an Assembly as the Senate of *England* seduced to follow them; but shall we not suggest the danger of a second Destruction, when the same Designs were afoot? Did not a *Temporal* *Peer some ten years ago fall very foul upon these *Spiritual* ones, in a Libellous Letter, that laid all the Obloquies that Malice or Lyes could invent upon their Lordships? Was not there || Papers Publish'd, when the late

* *L. Sta. fise.*
Letter.

|| Discharge
of Peerage
16. 85. p. 7.
Ld. Hollis.

† Plat. pag.
237. the 5.
Proposi-
tion.

* 35. of E.
petition'd
to be re-
pealed too
In the late
Rebellion,
and actual-
ly was per.
Act for re-
lief of pea-
ceable Peo-
ple, against
the Rigor
of former
Stat. 27.
Sept. 16
57.

Popish Peer was to be put upon his Try-
al, to prove that they then had not so
much as *Right* to sit as Peers; tho they
never set themselves aside, but with a
salvo jure? Did not they debate it even
now in Parliament, where such a *thing* was
never *questioned*, but when the *Order*
it self was brought into *Question*? Did
not these † very Republicans about the
same time, publish that the Clergy having
a share in the Sovereignty, would ever
be a Solecism in the Government? Was
not the *Paper of Union* about the same
time to be presented to the Parliament,
just such another piece as *Pennington's*
Petition? Designing *Knaves*! your selves
superfede all such serious Expostulation:
Your selves are satisfied, you had several
Designs on Church and State, which
you may well disown now, since the
sad success seems now to make you *Fools*
too; that presumed upon your Parlia-
ments patronizing, whatever the most
profligate Person could * propose; and
defyed your King for getting better Pa-
triotis; consider only the sacredness of
that Order, the Antiquity of the Con-
stitution, and the fundamental Law up-
on which it is founded. And then tell

me

me whether without Irreligion, Innovation, or Rebellion, by which it *once* was, it can be *once* again abolisht? Malitious Miscreants! those that in the worst of Times could in publick Parliament || compare them to the *Pharisees*, to the *Dog* in the *Fable*, to the Destroyers of *Unity*, upon pretence of *Uniformity*: yet those were forc'd to confess, that the very first Planters of Christianity, the Defenders of the Faith, against *Heresies within*, and *Paganism without*, both with their *Ink*, and with their *Blood*, were all *BISHOPS*. And here I am sure Establish'd even with Christianity it self, a Convention of them being called by *Austin*, the first Founder of it here: The † Noble Peer, that was for *Clipping the Wings of the Prelates*, was compelled from the Suggestion of his *own* Conscience, to allow, forc't in spight of Faction, to grant that their *Function* was deduced from all Ages of the Church; a *Function* confirmed by the *Apostles*; a *Function* dignifyed with the Piety of the Fathers, a *Function* glorified in the Blood of the most Primitive Martyrs, admired by all the *Reformed*

|| Lord F. Speech to the Com. 1641. upon Commitment of the London Petition.

† L. Digby's Speech to the Com. upon the same.

Vid. Lord Newark's Speech. yet Asserted by of Divines declared it against the Acts of all reformed Churches.

Y 4

Churches

Churches abroad, and till that time flourished in our own at home.

The Sacredness of the Institution, you see is sufficiently declared; the Saviour of our Souls, sending such to work out our Salvation: His Embassadors, his own Apostles, sent their Successors, the primitive Martyrs, and least Laborious Cavil and Industrious Detraction, should make these primitive Prelates be bare Elders, prime Ministers, or Assembly Men, the very Text, the Testament it self, tells us, even in all its Translations, they were *BISHOPS*: tells us that was their Title; his Disciples, his own Emisseries officiated under that Denomination, and all our || Ecclesiastick Writers deliver it down to posterity, that by that very order all the Christian Churches throughout all Asia, where they were first Established, to their Progress Westward, as far as they were propagated, were all under their Government and Jurisdiction. I need not insist on it, on their being the most Divine, or the most Ancient Order in the whole World, Envy, and their Enemies, Faction and their very Foes confess it, all that's left is to shew how the Laws of the Land confirm it:
And

|| *Id.*
Euseb. Lib.
4. c. 5. 6.
who tells
us Constant
time in his
Expedition,
against
the Persian,
had his Bishops
about him
to consult
in a Council
of war.
and is
their
judging
now in
Capitals
a Crime?
I am sure
that other
was more
Bloody
Business.

And that those of the very *Britains*, *Saxons* themselves, and *Danes* demonstrate: the *Brittish* || Bishops were Assembled in a Synod for a thousand years ago; and *Athelstan* one of the First Sovereigns of the *Saxons*, (with whom I am sure they never then disputed the *Legislative*;) even in his own * Laws allows them the Management both of Matters *Civil* as well as *Ecclesiastical*, from a just Presumption of their Knowledge in the *Statutes* of the Land; they presumed as much upon their *Equity*, and *Justice*, and made them Managers of all the Measures and Weights, and such was their publick Administrations then, and so since, that they were still made the Chief Ministers of State, which made them not only Famous in their *Ages*, but beneficial to *posterity*; and tho I never enjoy'd the Benefits of their Bounty, shall for ever Reverence their pious Memory. It was from their Liberal Largeesses, most of those solid seminaries of sound Learning and Loyalty, were first founded and established: They can boast of more *Bishops*, for their Founders, than ever Kings for their *nursing Fathers*, tho their Princes goodness

|| *An. Dom.*
686. Cook
4. *Inst. C.*
74. pag.
322.

* *Leg. A.*
thelit. C.
11. *Episco-*
po jure
pertinet.
omnem re-
ctitudinem
promovere
Dei & se-
culi, omne
Legis sci-
entiam &
Burgi
mensuram
Spelm. p.
402.

was

¶ Plat.
p. 107.

was the more to be admired in preferring those that did so much good; and were these, thou *venom'd Head*, the ¶ *Vipers of their Age*? the Cheats, the Hypocrites of those *Barbarous Times*, whose blessed, and most Monumental Labours, can make the most *Civil* ones now to *Blush*?

Kings
Writ of
Summons
runs cum
Prelatis,
colloqui-
um habere.

* Vid. 1.
Inst. p. 110

¶ Modus
tenend.
Parl.

In the time of the *Danes*, the first *Harold* himself, call'd *Harefoot*, at a Convention of the Princes and Prelates at *Oxford* was Proclaim'd, and Crown'd King by *Elnothcus*, Archbishop of *Canterbury*; and sure then the Law allowed him to meddle with Matters of State; In all our old Councils * for five hundred years before the Conquest; and for above two hundred after, Bishops and Abbots, made up the best part of those petty Parliaments, and that so long before these Contenders for their excluding them their suffrages, ever sate in that Assembly as part of the Senate. And that antient piece that tells us of the ¶ manner of holding Parliaments, tells us too, that such Ecclesiasticks were always summoned. Seditious *Souls*! let those that are to take Care of *them* too, have the same *Subjects Liberty*, you so much

much Labour for : Let Bishops be allowed their *Birth-Right*, as well as your Lay-Lord-ships too; your † *Magna Charta*, was made for the Loyal Bishops as well as the Rebellious Barons, and that expressly declares the *Church shall enjoy all her Rights inviolate* ; and tells us as plainly, one of them was to sit in Parliament ; your selves know a discontented * *Canterbury*, and I hope you'll side with him because he was so, claim'd for four hundred years ago, his Privilege of *Peerage*; in Opposition to His *Prince*, petitioned for his *Right*, and protested against the *wrong*, for fifteen hundred years, for so long our Monarchs can be Chronicl'd, can in every Reign, the Clergies being concerned in Parliament, be proved upon Record, and may they with the *Monarchy* last, that with its *Christianity* commenc'd : They seem'd always to *sympathize* in their very sufferings, never to cease but by *consent* ; and Bishops were never excluded from their *Votes* ; but when their King himself had never a *voice*.

The Sixth pernicious Principle they propose is for *Marriages, Alliances, Treaties* for *War* and *Peace* to be put in the power

† Vid.
Magna.
Charta the
1st. thing
in the first
Chap. Articuli
cleri.
Vid. Cook
Com. on
both 2.
Inst.
* Stratford
Arch-bi-
shop. Ed. 3.

power of the two Houses : And shall the meanest Subjects be Mightier than their Sovereign? Not allow'd the Marrying his Issue *when*, *where*, and to *whom* he pleases : That the Parliament has presumed to intermeddle with this undoubted Prerogative of the Sovereign, (since the Birth-Right of the poorest Subject,) can no more be denyed, then that the two Houses have also actually *Rebell'd* too ; but they never pretended to make *Matches* for their Monarch, but when they were as ready to make *War* too: There was somewhat of that Mutinous Ferment got among the Members, in the latter end of King **James's* his Reign, who tho they mightily soothed their Sovereign, with some Inconsiderable subsidies, for the recovery of the Palatinate ; so small that notwithstanding the Preparation for *War*, the poor Prince was forc'd to pursue *Peace*, and to tell the Men at *Westminster* so much too, that he intended to compass the Palatinate with an *Alliance* with *Spain*, which he was not like to obtain from the smallness of their Subsidy, and Aid : But tho the Commons did not care much for the maintain-

19. Jacob.
1621.

taining the *War*, they were as much startled with this seeming tendance to *Peace*; they knew their Prince *poor*, and therefore thought *that* the time to show the Subject *bold*: and so began the *Puritan* Party to represent in a Remonstrance, *Papery, Power, Prerogative*, and their Averseness forsooth to the *Spanish Match*. The pious Prince tho none of the boldest to resist an invading People; yet took the Courage to tell them they took too much upon themselves; very warmly forbad them farther to meddle with his Government, || and deep *Affairs* of State; and particularly with the *Match* of his *Son*, with the Daughter of *Spain*: And this account they'll surely Credit since it comes from an * Author, a partial and popular Advocate for this power of Parliament.

|| Dugdale's Short View. 21.

* Rusworth Col. p. 40.

And did not the Commons intermeddling with an other *Spanish Match* of Queen *Mary's*, send their Memberships into the Country to mind their own Business, and were presently Dissolv'd for meddling so much with their Sovereign's: And this I hope will be as † Authentick since it comes from an Author that has had the *Thanks of the House*.

† Burnet's Abridgm. 236.

But

But this Disposal of the Kings of his own Children, and the Marrying them to what Princes he pleases, has such an absolute Relation, to the making Leagues and Allyances; that the Laws, which have declared the latter to be solely in the Sovereign, are as Declaratory that the other is so too; and this power of the Prince of making War and Peace, Leagues and Allyances, is so settled in him by the Laws of the Land that till they are subverted, it can never be taken out. In *Henry the Fifth's* Time, a Prince under whose Courage and Conduct the Nation, I think, was as Flourishing at *Home*, as it was formidable *Abroad*: A Prince that kept a good Sway over his Subjects, and wanted nothing to the making him a good Monarch, but a *better* Title; though his Expensive War in *France*, cost his People a great deal of *Money*, as well as *Blood*; yet they were far from being animated into an Invading this part of Prerogative; but declared, as appears by the Law of his Time, that to their King belonged only to make Leagues with Foreign Princes; and so fully does this Fundamental Law of the Land place
this

this power in the *Prince*, that it absolutely excludes all the Pretences of the *People*; for it tells us || expressly, that if all the Subjects of *England*, should break a League, made with a Foreign Prince; if without the King's Consent, it shall still hold and not be broken: And must the Laws of our *own*, as well as those of all Nations be subverted, for the setting up a *Supremacy* of the *People*, which both declare is absolutely in the King?

|| 2. H. 5.
c. 6.
|| 22. Edw.
4. Fitz. Ju-
rid.

The Seventh Proposal about the Militia is the *most* Impudent, because it has been the *most* confuted of any, by Reason, and baffled above all parts of the Prerogative *Establisht* by Law: History tells us, ever since Chronicle can Compute, and that is for almost Fifteen Hundred Years, that the Power of the Sword was ever in him that *sway'd* the Scepter; and Statute tells us, even the very *First* * that was ever reckoned among Acts of Parliament, That if the King lead or send his Subject to do him Service, in his Wars, that he shall be freed from such other Services, as Castle-guard and the like, so that you see that extorted Instrument, the result of

* Magna
Charta.

a REBELLION reserved this piece of Prerogative of the Sovereigns *Sole Right*.

That the Members of the two Houses should have the Management of the Militia, was undertaken to be proved too by that Plague of the Press, *Pryn* himself, who proceeds upon his own *false Principle* and *Premises* which he begs, and then may well draw from them a Conclusion of an absolute Lye; for he takes it for granted, that by the King's Suffrages they made their *King*; and then he could not (as he says) have this * Military power without the Peoples consent; but why may it not be with less Presumption supposed, That a Parliament by special || Act declared Traytors, pitcht upon Him for their Pen-Man against the Prerogative? and then it may be more easily concluded, that *Pryn* was the most prejudic'd, partial Person, that ever put Pen to Paper; for in spite of his Factious Heart, he must be forc'd to confess, that not only this very Charter of Liberties settled this Militia, but that it was confirmed to the King, almost in every Reign, by Act of Parliament, since

* *Pryn's*
Parliam.
Interest in
the Militia.
|| 12. Car.
2d. c. 12.

since the Time the very *FIRST* was made.

To the very Son and Successor of *Henry*, that Great Confirmer of the great Grant, they declare,* that to the ^{* 7. Ed. 1.} King belongs to defend Force of Arm^{c. 1.}our, &c. All that held by Knights Service, the King could distrain them for the taking up Arms. By the Laws of the very next || Reign : And in his Son and Successors that Usurpt upon his † *Father's* Right before it could be † 1. Ed. 3. call'd his *own*, they declare the manner of his Mustering and Arraying the Subject; and this they did too to *Henry* * the Fourth : A Prince that had truly no other Title to the *Swords* of his ^{* 4. H. 4.} Subjects, than what he had gotten by the Conquest of his *own* ; yet so necessary was this inseparable power of the *Prince*, thought then to be solely in him by the *People* ; that they Acknowledg'd it to be absolutely even in *him*, that could hardly pretend to the *Crown* ; so inseparable from the Right of Sovereignty & did the Laws allow this unalterable part of the Prerogative, that they have declared it Inherent even in such a sort of Sovereigns as seem-

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ed

ed not very well qualified for an Execution of that Royal Power, which the Judgment of their very Parliaments decreed to be entirely *theirs*. They resolved it to be the Right of the Prince, in the Reign of a *Child*; They resolved it so, when Subjected to the Government of a *Woman*.

|| 2. Ed. 6.
c. 11.
* 4. 5.
Mar. c. 3.

† 1. Jacob.

* Lord
Cook 4.
Inst.

|| Die Mer.
12. majl.
41. Vld.
Journal
and last p.
Cook 2.
Inst.

† 20. Jun.
exist Col.
p. 372.

The Commission of Array was revived again to King † *James*, in whose Time they resolved it such a Necessary Right of the Crown; that they repealed for it the very repealing Statute of the Queen: This their * Oracle tells us, and that in those parts of his Works, which the Parliament that opposed this very power in their King, themselves ordered to be Printed; yet themselves could as impudently Assert against the Sense of the very Law they Published, against the very Law that was reviv'd, but in his very Father's || Time; that his Son and Successors, (tho necessitated for suppressing such Insurrections as themselves had raised) † could not Issue out such Commissions of *Array*; tho the very preamble of the Act declares the very purpose of it was to prevent and preserve the Prince from such Rebellious

ous Subjects. And in truth the Rebels were Conscious of their Guilt; and that it was which made them resolve not to *know* the Law: But presently represented in a Declaration, that this Commission was contrary to the Laws of the Land, and the Libertie of the Subject; tho the very expresse privilege the Statutable Right of all their Kings Royal Ancestors; but would not those wicked Miscreants have made even the Crown an Usurpation in their King, that just before || declared, that it was against the Laws and Liberties of the Kingdom, that the Kings Subjects should be commanded to attend him at his Pleasure: And ordered * that if they should be drawn in a *Posture of Defence* for their Sovereign, the Sheriffs of the Countrey should raise Forces to suppress them; and then how can the most prejudiced partial Person presume to tell us that this their *Kings* Commission, was contrary to the Liberty of the *Subjects*, when they set themselves in *Contradiction* to all the Laws of the Land, in the very Declaration that denied him his *Array*.

1 July ex-
act Col. p.
386. Vid.
also Dugd.
P. 97.

|| This De-
claration
expressely
against
the ve-
ry Words,
of 11. H. 7.
Cap. 1.
* 17. May
exact Col.
153.

Z 2

Their

Their Eighth Proposition is for the *Forts* and *Castles*, and that the Fortifying them be in the *Parliaments* power; but even that too, base *Caitiffs*, your selves know to be by the very Letter of the Law in the *Kings*, the very Charter of their *own* Liberties, in this point confirms also the *Soveraign's* Right, where it is provided || that the King can dispence with the Services that are due for the keeping of his *Castles*, when he sends those that ought to do them, to serve in his Host: By the very * common Law and Custom of the Realm before; there was alway such Services due to the King, for the keeping of *Castles*: And certainly they were lookt upon then to be in the Disposal of the Prince, when the Subject was but a Tenant to serve him in his Fortifications; And this Chapter of their very Charter I hope proves sufficiently not only that the King can command his *Castles* to be *defended*, but send his Subjects any where for his *Defence*, which the Declaration of the Commons did as Rebelliously deny.

But besides the taking of the *Kings Castles, Forts, Ports* or *Shipping* is resolved-

|| Si nos ab
duxerimus
vel Miferi-
mus cum
in exerci-
tum, sit
quietus
de Custodia
Castri. char. c.
20. Statute
Keeble, &c. 2.
Inst. 34.

* Castle-
guard an
old Ser-
vice alway
due to the
King, 1st.
Inst. 70.
111. 121.
till such
Services
were ta-
ken away
12. Car 2^d.

solved, and ever was reputed || *Treason*;
 and were not the two Houses *Traytors*
 then by a *Law*, before that of this King || Brook
 made them so by *Statute*, when they *Treason*
ordered * upon the *London* Petition, 24.
 and that of the *Cinque-Ports*, that all his
 Majesty's *Forts* and *Castles* should be * Parl.
 presently fortified ; that no Forces 1641.
 should be admitted into *Hull*, without Vid. *Exact*
 the Consent of Lords and Commons, Coll. p.
 seized their Kings *Shipping*, and made 123. 21.
Warwick Vice-Admiral of the *Fleet* ; Mart. 22.
 This was a sort of *accumulated* *Treason*, Martii.
 whose every Individual Act was truly
 so ; as if they designed that the Sta-
 tutes should not declare more things
Treasonable than they could dare to
 commit.

My † Lord *Cooke* tells us, whom they
 cannot but believe, that no Subject can
 build a Castle, or so much as a House † *Cooke, i.*
 of strength imbattailed, or any Fortrefs Inst. pag
 Defensible without the Sovereigns con- 5. A.
 sent, much less sure shall they seize
 those that are the Kings, and Fortifie
 them for the *People* ; and tells us again
 the * same in his Comment upon the very * 2d. Instr.
 Charter of Liberties; and will not *that* Comment,
 neither with our Licentious Libertines Chart.
 Chap. 15.

be allowed for Law? Is not all the Military power both by Sea and Land declared the undoubted Right of His present Majesty, and that by particular || A& in his *own* Reign? does not the very preamble of it seem to provide against this very Proposition of such a Parliament or a *Plato*; when it tells us expressly, that all *Forts*, and places of *Strength*, is and ever was by the Laws of *England*, the Kings undoubted Right, and of all his Royal Predecessors, and that neither both, or either Houses can, or ought to pretend to the same; and declares that all the late Principles and Practices that assumed the same were all *Rebellious*? And could some of our *Mutinous* Members, embrace such Propositions from the *Press*, that presumed to tell them they had of late made two such Impertinent Acts in the *House*? † *Acts* invading the Subjects Property; Acts betraying the Liberties of that very People they represent. In short, and that in his own Words, Acts, that empower the Prince to invade the Government with Force, Acts to destroy and ruin the State, hindering the Execution of the Laws, and the preventing

|| 13. Car.
2d. Chap
6. Vid. the
same re-
peated 14.
Car 2. c. 3.

† Plato p.
239. 240.
277.

ing our Happiness and Settlement; had they had but the least Reverence for their *own* Constitution, and that Honorable Assembly wherein they sat, sure there would have been some *Ordered* and *Resolved* for the sitting out such a Penman, and sentencing such Papers to the Hangman, and the Flames; what can be the result of this to sober Sense, or Common Reason, that such Villanous Authors should appear in publick at such a Session of Parliament, to Censure and Arraign the very Acts of their former Representatives; but that they thought themselves secure from any Violent Prosecution from those that then were sitting; and that it was not the *Constitution* it self of that most Honorable Assembly, the Seditious Sycophants were so Zealous for, but only the present Persons its *Constituent* Members they so much admired.

The last, the Tenth of those pretty Proposals that deserves *particular* Animadversion, (for several of them Symbolize with one another, and so are by a general asserting of the Kings Supremacy sufficiently refuted) is the *Parliament's Right to the making Peers*, the prettiest

Z 4

Para-

|| 3. Ed. 3.
19.

† 11. Rich.
2d.

Paradox, that the *Abundance* of Sediti-
on, with the want of Sense could sug-
gest ; I have heard the Laws declare
the King to be the Fountain of *Honor*
as well as *Justice* ; but the *Commons* I
think as they are no Court of Judica-
ture, so were never yet known to be
concerned in the making *Lords*. The
King whom only our || Law declares to
have no *Peer*, is sure the only Person
that can make *Peers* ; has not this
Power been unquestionably in the
Prince ever since these Realms had
one to Rule ? was not the Title of Ba-
ron in *Edward* the First's Time con-
fined *expressly* to such *only* as by the Kings
Writ were sommoned to sit in Parlia-
ment ; And even when there was an In-
novation in this Point ? In † *Richard*
the Second's Tumultuous Time, this
Power was then not taken from the King
till they took away his Crown ; did
not he take upon him to confer the
Peerage, and as the first President *per* his
Letters Patents ? And *Beauchamp* Ba-
ron of *Kedermister* the First of that
Creation ; did the Parliament ever pre-
tend to make Peers, but when the
Body had rebelled against the *Head* and
rejected their Prince ? But

But the Creation of Honors might well then be inverted, when the State it self was turned Toppie, It was then I confest they denyed their King too, not only the conferring of Honors for the future, but passed an * Act for Voiding all Titles, Dignities, and Precedencies already given by him: But this was done to extinguish the very Remains of Royalty, that there might not be left behind him, the meer marks, the Gracious Dispensations of the very Favor of a King; the inveterate Villains labouring with their Monarch to Murder his very Memory: And sure none of the Nobility have great Reason to relie upon Parliaments for the maintaining of their *Old Honor* or creating *New*, for the Privilege of their *Peerage*, or the making *Peers*, when the very First thing that they did, when they had got the Power, was an † *Ordered and Resolved*, that the House of *Peers* was *useless*, *dangerous*, and ought to be *Abolisht*: And all the Kindness their *Lordships* could be allowed, was to be capable of being elected into the *Lower House*; and what an Honourable House of Lords was afterward Establisht, even by *those* that

had

* 4 Feb.
1651.
Scob. Col.
pag. 178.

† Vid. vote
Journal 6.
Feb. 1648.
Vid. Hist.
independ
pag. 15. &
perfect
Diurnal
p. 1250.

† See the
List of
their
Lordships
in Dugd.
view pag.
454.

* Vid. En-
gagement
and Prote-
ction Oath.

had purged away the *Peerage*, may be seen in the Persons of those that Usurper put up afterward for *Peers*, But under the Name, the Notion of that *other House*, when they granted that power of their Nomination to that *Arch Rebel*, which they but so lately denyed their *Lawful King*, why we had there then † Lords of no quality, no worth, little Land, and less Learning. Mr. *Hewsons* Lordship, that Honest Cobler, Sir *Thomas Pride's* Lordship, Knight and Dray-man, My Lord *James Berry* Black-Smith, My Lord *Barksted* the Bodkin-Seller; and the Cant of their Counterfeit *Cromwell*, their Creator, might well tell them from the Text, *not many Nobl's, not many wise were called*, but a Creation according to the very Notion of the Schools, An *House* like that of the World too out of *nothing*; framed by Him that had Himself * *Sworn* to be true to the Government *without*, founded in the *Perjury* of him that made them *Peers*, and of *Persons* that would have disgrac'd a *Pillory*: Persons prefer'd for their little *Honesty*, little *Quality*, little *Sense*, Persons whose Lands and Possessions could

could only qualifie them to be *Noble*, by being purchas'd with the *Blood* of our best *Nobility*. Lastly, Persons that were only *famed* for their *Villanies*, *Mighty* but in *Mischief*, making it an *House* indeed, not of *Peers*, but *Corruption*, which the very *Law* tells us must be made up of *Beggars* and *Malefactors*.

This Gentlemen, was the *Peerage* produced † by a Parliament's *Rebellion* to make *Peers*, of which it was too the most natural Result; for that very Act upon a Just Judgment, would have *Tainted* all their *Blood*; but they provided here for the purpose, Persons that defied, superseded the Work of an *Attaindure*; Persons whose *Blood* even *Treason* could not more *Corrupt*: This, Gentlemen, was the product of that most preposterous Inversion, when the * *Commons* could make *Lords*, and their *Kings House* of *Peers*, with their very *Titles* and *Honors* || Abolish'd by an *House of Commons*; they seem'd to be ashamed of that very *Bastard Honor*, of which they were brought to Bed; and could not tell how to Christen the base Bantling they had begot; till at last

† Their
15th. Pro-
position
to the
King at
York.

* The
First Feb.
6. 1648.

|| The Se-
cond 4.
Feb. 51.

last some simpering Gossips stept up and Named it, an *other House* (i. e.) an House without a *Name*.

Distracted *Dolts*! the Compounds of Madness and Folly; did you for this destroy your Kings Nobility created by *Law*, to dignifie the meanest Men, the Vilest Villains against the † *Statutes* of the Land? did not you confess that of the Kings Lords to be a Lawful Government, and the best by recalling it, tho compounded of Wretches, the very worst, poor *Prodigals*! whose Repentance only rendered you more Miserable, and reverst the Fate of him that fed on Husks, who returned to Herd with *Swine*. Have we not had heretofore *Peers* by particular † Act degraded for being a disgrace to their *Peerage*: Lords whom the Kings Law made Honorable, only their Lands could not maintain their Lordships Honors, and that tho Blood and Descent, had entitled them to it; whereas many of these their Parliament *Peers*, had neither Law, Land, Blood or Money to make them so: Did not the *Parliament*, that very *Parliament* that Abolisht afterward our *English Peers*, Pétition the || King against

† 17. Ed.
4. an Act
for degra-
ding Nevil
Marquess
Montague,
Because
not suffici-
ent for the
maintain-
ing the
Dignity
(adding)
that Men
of mean
Birth pre-
ferred to
Honor,
promote
all man-
ner of
Injustice.

|| 2. Car. I.

gainst *Scots* and *Irish* Titles, and told him to this purpose, that it was Novelty without president, that persons should possess Honor, where they possess nothing else; and have a *Vote* for the making *Laws*, where they have not a *Foot* of Land; had their *own* Objection been afterward applyed to some of their *own* Country, and that pitiful *Peerage* of their *own* chusing, they must have Blusht upon the Reflection of their *own* Thoughts, when they remember'd with what they *upbraided* their King. The possessions of their *Noble Peers*, being Just *none* at all; or what was *worse* than *nothing*, the purchase of their Villanies.

It is recorded, I remember, in the Conqueror's Time, that *Hugh Lupus*, Earl of *Chester*, upon special Favor of his *Prince*, being the Son of his own Mother, by a Second Husband, *Arlott* having Married *Harlowin*, a Noble-Man of *Normandy*, that his Earldom was granted him by *William* the First, with as ample Jurisdiction as himself, held the Crown: A power I think beyond any of our present *Palatinates*, upon which he presumed to make three

or

or four Barons ; but Historians observe it was such an Honorable Concession, as never any Subject before or since enjoyed ; and how they can presume to pretend to it now, I cannot Apprehend.

It was alway a particular piece of Providence amongst all Nations, not to render that *pitiful* and *Contemptible* to the People ; which they resolved should be *Reverenced* and *Esteemed*, and unless we can imagine our Idolaters of the Peoples *Peers*, would like some Infidels adore their Wooden Deities , only for beeing Ugly and Deform'd ; or like the *Israelites* Worship *Calves* of their *own* Rearing, I am sure that *empty* Title, with which their *Honors* of that *other House* were only *full*, could draw no *other* Reverence and Respect, than that Ass in the Apologue from an Image that it carried : This I remember was the result of the Petition of the *Portugals* to *Philip* the Second of *Spain* ; and he I think obtained that Kingdom too, as our *Republicans* did once, and would again *ours*, with the Subversion of its *Laws*, and the Force of *Arms* ; it was their request, that he would not
make

make their Nobility, (of which they are not a little proud) pitiful and contemptible, by preferring such to that Degree : whose Quality could not deserve it, what *Peers* we had when pickt by the Council of State, What *Lords* when cullyed out by the *Commons*? let those *remember* who are so ready to forget it.

Seditious Sots ! have not the Laws of all Nations, as well as our *own*, provided that this power be the peculiar prerogative of the Prince, and must these Politickswould Be's, be wiser now, than the wide World ? Do not the *Digests* declare ; those *Civil* Sanctions whose Authority obtain with all *Civiliz'd* Subjects (*i. e.*) with almost all besides our *own*, and whose Reason can't be refuted by the best of the Rebellious Republicans that so little regard those, that their so much admired *Legislators*, their *Solon* or *Licurgus* never saw the like, Laws that must be allowed the most Rational by being so generally received, those

† tell us, and the World, that the

† Postquam ad Curam Principis Magistratum creatio pertinere cepit, &c. D. 48. 141. Ordinis vero cujusque arbitrium primo Penes Imperatorem. Zouch, de jure milit. nobilitat. pars 2. Sect. 2.

confer-

† Sacrile-
gii instar
fit dubi-
tare An is
Dignus sit
quem Prin-
ceps elegit
C. 19. 20. 3.

conferring of Dignities, depends upon the Sole care of the Sovereign; that the *Subjects* ought not to dispute it; and such a Religious Observance of this settled Sovereignty do those sacred Sanctions recommend, that they Censure it for a Crime, as great as † Sacrilege it self, to suspect his insufficiency whom the Prince should prefer; some of those Laws were the Constitutions of *Heathens*, as well as other of those that afterward *learnt Christ*; and had not the Doctrine of his Disciples declared Kings even an *Ordinance of God*; the pious *Pagans* always esteemed their Princes *Sacred*: and such a source of Honor, was in their Sovereign Emperors, that even against their very Laws, they could allow them to continue those *Noble*, whom the Marriage with a *Plebeian*, had degraded from their Nobility, as *Antonius Augustus* did for his Niece *Julia*.

'Tis Nonsense I confess to talk of the Laws of *all Nations*, to those that cannot obey their *own*; or the *Decrees* of Emperors, for the Preservation of their Majesty, to those that will break *Statutes* to Libel their King; yet still it serves

serves to shew that even in this very point, the Laws so long before *ours*,
 † allowed this power to be the peculiar prerogative of the Prince; and tho we are bound only to submit to the Singular Laws and Customs of our little *Land*; yet still (if in our Senses) we must be Subject to such Laws as are founded upon an Universal Reason; and for these Republicks that have revolted from that Regal Government, from whence they must derive their Honors, we find the best of their Nobility to be but Burghers. And the very Nobleman of *Venice*, this Courteous Author so much Caresses and Admires, one that must make himself so, and at best but equivalent; (if such *great* things according to the Latin Aphorism may be compared with *small*) to a Gentleman of *England*; who wears only a *shorter* Coat, while the other a *longer* Gown.

'Tis a solecism in Sense to imagin, that *Plebeians* can concur in conferring that on others which themselves have not the least Tincture of: A Title of Honor. Or that any thing, besides somewhat that is *Soveraign*, can really com-

A a

mu-

†Vid.
 CokeCalv.
 Case. fol.
 15. Coke
 7. fol. 33.
 None but
 Peers of
 the Realm
 to sit In
 House of
 Peers, no
 Peer to be
 made but
 by the
 King.

municate it to a *Subject*: And we have seen, when it was Usurpt, what a sort of singular good Lordships and precious Peers were put upon us; The *Thebans* would not so much as admit a Merchant into their Government, till they deserted their calling for ten Years, while the meanest Mechanicks were made Members of our House, and a *Tinker* of the *Army's*, just taken from his *Tool*: The Bishop of *Ely* was accused only in *Richard* the First's Time, for putting in pitiful Officers into publick places of Trust; and 'tis but a little since, a Parliament intrusted our Lives and Fortunes in the vilest Hands. And lastly, this very Libel Lashes one of our * Kings for the preferring *Worthless* Persons, and makes it even a forfeiture of the power of the Sword; at the same time that he contends for the *People* in this point, who were never yet known to prefer any other.

* Rich. 2d.
Plat. pag.
116.

An *Italian* State, as Tumultuous as our own, took upon them once to create a new Nobility; but as soon as the popular *Faction*, or if you please the *Convention* of the *People* had set themselves, for the Preservation of their Liberties

to

to make Lords; why truly the Election was like to be of such senseless Scoundrels; you may suppose a *Barksted*, or an *Hewson*, some *mender of Shooes*, or a *maker of Bodkins*: But so sensible were those Seditious Souls, that they were like to set up their *Servants*, that they wisely resolved to retain their old *Masters*: And I think were not some of us so wicked, we should all be so wise too, since we saw our own distracted Nation was never at rest, Till our Rulers were restored to us as at the *FIRST*, and our Councillors as at the *BEGINNING*.

And last of all only let me take the Liberty in this last and dismal scene of Sedition to represent, but a bloody prospect of that Harmonious concurrence there is between all sorts of Rebellious Principles, tho projected by Persons of different Persuasions; Persons that differ in Manners and Customs of their Countries; Rebels remote from one another in *Time*; Rebels as remotely allyed in the *Lands*; wherein they live: As if the *Sea* it self, could not separate such Seditious *Subjects*, In their Principles and Practices; that had

A a 2

defiled

defiled their *Land* with such a mutual Conspiracy in the Murdering of their *Sovereigns*; and let in an Inundation of Blood upon the *Subjects*; and this Bloody Correspondency between the practice of primitive Rebels, as well as modern, between the Proceedings of *Foreign* Rebellions, as well as our *Domestick*, must result from the Reasons, any sort of *Subjects* have to resist their *Sovereign*, which we shall see were at all times, with all sorts still the same; that is, just *none at all*, and that appears, in that People of such *several* sorts, were all forc'd to pitch upon the *same* Pretences for the Justifying their Treasons: And to make use of the same *Calvil* and *Calumny* against their Princes; when they saw they could never ground any real Accusation. And lastly, to promote the same Projects, and Propositions, almost in a *Literal Transcript* for the levelling, the raising the Foundations of their *several* Monarchies, and making themselves the Masters of the *Crown*; or rather, this Seditious Harmony of all *Rebels*, proceeds from their having ever been animated, and instructed by the self same Agent of *Hell*: the Pri-

primitive Prince of Faction, the Devil ; and this parity of pernicious Principles, Practices, and Propositions, will appear in the perfect parallel, that there is between the Proceedings of our old Rebelious Barons in *England*, And the later Rebellion of the late Leaguers in *France*, and the clear conformity of the Proposals of our *Parliament*, and the polticks of this *Plato to both* : I'll place them in their *turn* as they succeeded in their time, and let them that would *prescribe* to Treason, be proud of the *Precedency*.

For the First, the *Barons* being greedy of *Rule*, the *Commons* of *Liberty*; (as a learned Author and * *Antiquary* lets us know,) some of the popular Lords began with the plausible pretext of the *Peoples Liberty*, when to suppress these Troubles, and supply the Kings Extremities, a *Parliament* is call'd; but such an one, as prov'd *much* to the *liking* of the *Lords*, and as *little* meant to *relieve* their *King*, much less to redress the *People* : The Clamor was of Encroachment upon their *Liberty* : To silence that, the Charter is *several* times confirmed : But they finding what a power the Kings *Necessities* put in their

Barons
Cotton's
view of
Henry 3d.

A a 3 Hands,

* M. Paris
pag. 807.

Hands, were resolved to supply him with so little, that it might well keep their King from being Great; they * force him to the very sale of his Lands and Jewels for Bread; and to turn out of his Palace, because not able to sustain himself in it; they seized upon *Dover his* Castle, and the *Kingdoms* Key, which was Treason for that account, to deliver to a Foreigner, and than a *Fortiori* for a Subject to take made Head against their Sovereign, called in *French* to subdue him: Which when they had done, (in which Actions none more Zealous than the Loyal *Londoners* for his Destruction) what was the Event? Why our Historians tell us, (and what are still the *unfortunate* Effects of a *prosperous* Rebellion) Murder, and Sacrilege, and Sword. And the Victorious *Barons* Lorded it like so many † Tyrants too, till Providence in a more signal Victory restored their Lawful King, and the Subject's Liberty.

† Baker
p. 86.

Leaguers,

As the *Baron's* Wars began in King *John's* Time, but broke out in a more perfect Rebellion in his Son *Henry's*, so were the seeds of this Civil Dissention sown

sown in the Reign of *Charles* the Ninth, and were fully ripened in the Reign of his Son, and that a 3d. *Henry* too: The Nobles here were disgusted, and soon made the Commons so too: A Parliament there too was thought to remedy those Discontents; and that as our *Henry's* encreas'd the Distemper, they told the *French* too of their Taxes and Impositions, and accus'd their King of Misgovernment for imposing them; as our Lords combin'd, so these Leagu'd for the redressing of Grievances, and were first Aggressors in seizing *Verdun* and *Tull*, two Towns in *France*, as those did *Dover* and *Hull* in *England*; * their *Henry* was forc'd to flie from *Paris*, his Principal City, His Metropolitan, also of Sedition, and that by Tumult too: And what did it terminate in, but in the Murder of their King too? The calling in of the *Spaniard*, that was like to inflave the People to a Foreign *Yoke*; and at last weary of the Usurpt Dominion of the Duke of *Mayne*, that had imposed on them a Council of State too, the Tyrannous Assembly conven'd by Conspirators, was confusedly Dissolv'd in as much Distraction and Disorder: And the

* See their History written in Italian, by D'Avila, in Lat. by Tournanus; in French by D'Aubignis in English a Translation by Mr. Dryden.

recovered Nation return'd to their Law-ful Lord.

Rebellion
in *Car. 1.*

*Vid. even
Rushw.
Coll. p. 40.

|| Exact
Coll. p.
123. 21.
Marr.

And did not our own late lamentable Distraction Commence in the Reign of King *James*, and put all in Combustion in *Charles the First*; did not they first practise upon his *Necessities*, to which themselves had reduced him; and then remonstrated against such Acts as were the very effect of his *Necessity*, encumber'd with a War, or rather betrayed into a breach; they would not suffer the * *Father* to make *Peace*, and then denyed the *Son* the supplies of *War*: A Parliament is summoned too here, and that serves him just as the two preceding Ones did their Sovereign with Remonstrances of Oppressions: For this the *petition of Right* was granted them, as Gracious an Act as that of the great *Charter*; but nothing could serve unless like *that* too, 'twas sealed in *Blood*; and for that they began by Degrees to be so Tumultuous, till this Prince was forc'd to fly his *Capital City*, and that also, as in the others, prov'd the *Head* to the Rebellion that succeeded; upon their || *Petition* the War was first began; And *Hotham* sent to sur-

surprize *Hull*, as in the two former were *Verdun*, and *Dover*; and now was all in Arms, and *Blood*, which ended at last too in *that* of their King: The *Scots* called in here, as in the former the *French* and *Spaniard*; the People enslaved by those that set up for their *Proteſtors*: The Council of State, set up *here* as well as in *France*, and the ruin'd Realms never at rest, till they had returned to that Sovereignty from which they revolted.

It is sad even to see the least thing * now that looks like a prelude, to such a sort of Tragedy: The clamors of Sedition still the same; Parliaments that are Assembled to redress them; || Remonstrating against Grievances they never yet felt; Subjects † Associating against their Prince, for his Preservation; the draught, the Scheme and abstract of the Baron's Combination, The *French League*; the *Scotch Covenant*: so far from an Abhorrence of either, as to pitch upon a Compound of all three. Designs discovered and detected, for the seizing of strong Holds; the * Tower instead of an *Hull*; and the || *Scot* invited once more to pass the *Tweed* for a better bo-

* Plot in Carol 2d.

|| Vid. com. Remonstrances. 79. 80. † Proceeding Old-Bayly.

* Rouse's Tryal. || Sydney's Tryal.

ty:

ty : The Treason of such *Practices* is never the *less*, because the Providence was so *great*, as to prevent its *Execution*: Had that not interposed the Parallel Lines I am sure would have led us on *further* ; but all their draught *beyond* it must have been *Blood*.

A Comparison between the Demands of our *English* Barons, and the Desires of the *French* Leaguers, from whence they have copyed as *Counterparts*. The Propositions of our *Parliament*, and the Proposals of *Plato*.

English Barons.

French Leaguers.

I. That the King hath wronged the publick State by taking into his private

I. That the Disposals of Places, of Office, and Trust in the Kingdom,
E.

Election, the Justice, Chancellor, and Treasurer; and require that they be chosen by the common Council of the Realm; Park. Tent. 22. H. 3.

2. That it be ordained that 24 of the most grave and discreet Peers be chosen by the Parliament as Conservators of the Kingdom, Baker pag. 8. Ann. D. 1238. Regn. H. 3. 22.

3. That those Conservators be sworn of his Majesties Council, and all Strangers removed from it.

4. That two Justices of the Kings-Bench, two Barons of the Exchequer, and one Justice for the Jews, be likewise chosen by the Parliament, *ibid.*

5. They brought with them Consciences full of Error and Schism, against the Laws, and the Ca-

be in the Leaguers, *vid.* Henry the 3d. of France's Answer to their Manifesto, who told them 'twas against the Prerogative of all his Predecessors.

2. That the number of their Kings Council should be limited to 24. D'avisla pag. 341. our Propositions were not to exceed 25. or under 15.

3. The City of Paris set up a Council of 16. of themselves, whilst their Kings, was to admit Persons whom they should chuse.

4. These sixteen so managed the Judges of their King upon a Presumption of their favoring their Sovereign; that they got three of them strangl'd without process.

5. That there should be a Reformation in the Church, and no Hugonots,

nons, false Prophets fo-
menting Heresies against
the Vicars of Christ. Mat.
West. pag. 332.

6. They would not
have this Henry the 3d's
Daughter married to A-
lexander King of the
Scots, and for a long
time would give him no
aid, which at last with
much ado they did.

7. At Lewes they took
upon them so much of the
Militia, that they made
their Prince a Prisoner.

8. The 24. to dispose
of the King's Castles,
and no Peace, till all the
Forts and Castles be deli-
vered to the keeping of
the Barons.

9. His Councillors e-
lected by the Parliament,
allowed him such a pi-
tance for his Household;
that they starv'd him out
of his Palace. M. Par. 807.

nots favored.

6. That his Alliance
and Truce with the King
of Navar was against the
Interest of his Subjects.

7. That the strength
of Provence, be put in the
hands of the Duke D'Au-
marle, or such others as
they should nominate.

8. Leaguers seiz'd up-
on the King's City, Ca-
stles, and strong Holds
D'avila pag. 328.

9. That the Kingdom
could not be safe so long
as the King was enviro-
ned with Non-confiding
Persons.

10. *They chose their own Peers called the Peeres Donze.*

10. *That they might have the Disposal of all Honor, vid. their King's Answer to their Manifesto.*

This Parliament of those Rebellious Barons, my Lord Cook, that had as much Veneration as any Man for that Honorable Assembly, called the **mad Parliament*, the reverse of that of *Edward the 3d.* which he calls the *||good one.* And I am sure the Propositions of that in 41, would have made the Learned Lawyer, (had he lived to see them proposed,) pronounced that Senate as distracted too, as that *Oxford* one of *Henry the 3d's*; but it may suffice that special *† Act* since *† 12. Car.* supposed them in their *Witts*, in declaring them what was *worse*; **TRAITORS.**

**Parl. Infamum Cook's Insti. part. 3. P. 2. || 50. Ed. 3. 4. Inst. P. 2.*

CHAP.

CHAP. III.

*Remarks upon Mr. Hunt's
Postscript.*

THIS *Disingenuous* Author, with his *Hypocritical Apology*, for the Church of *England*, has just done her as much *Mischief*, as that of Bishop *Jewels* *sincere* one, did her *Good*. That pious Prelate with his *unanswerable Arguments*, had defended her against all the powers of the *Pope*; and this with his *Argument*, which he *Answers himself*, has made her all *Popish*. Never did an *Hypocrite* pretend to so *much Candor*, and *Sincerity*, that had so *little Shadow* for such a *Pretention*: His *Falshoods* look'd as if he designed, and thought, he could have imposed upon the *Government* and his *God*; and,
in

in spite of Providence, to have secured himself from the Justice of that which was *established*; and at the same time made sure of the favor of those that were for undermining it. The one was to be blinded with his being Author of the *Bishop's Right*: The other imposed upon with his Penning the *Postscript*. But however he deceives himself, the Almighty will still make good his own Word, That he won't be *mock'd*. He has denounced express Judgment against a double Heart, and the Nation now deserv'd Justice, To such a Sycophant. With what Face can such a Rumper tell us in the tayl of his *Postscript*, that no *Passion* or prejudice perverts him against the State of the Kingdom; when all know that it's being thus established, not only lost him a place in the Law; but disappointed him of being an *Irish* Judge; and thus the virulency of his *Pen*, betrays the *truth* of His *Passion*, which he would Apologize against with a lye, and that it can rise as high as any Furies, for as deep a resentment of an esteemed Injury; when the Government all the while was far from doing him any *wrong*: But
if

if it should meet with him now, I dare swear would do him *Right*: And this is altogether Reasonable the World should know, that the best of our *Rebellious* Male-contents, tho' they strive to palliate their *Passions* and *Prejudices* against their *Governors*, with a show of being impartial and indifferent; that 'tis but a meer shadow to cloud the Fire that Glows within, while truly still implacable, impatient, and impossible to be govern'd, and that those that pretend but with Moderation to discommend many things in our *Monarchy*, have nothing in them, but the meer Malice and Spirit of *Republicans*.

pag. 8. 9.

And this will appear from his very first Paragraph that provokes my Pen, He lets us know that the Church of *England* is like to fall into that of *Rome*, * by the unpresidented folly of some of her Sons; Fall, by a *Divine Fate*, (as he makes his Holyness to say) for her folly. That is, (as he must mean by Consequence) for maintaining a *Divine Right*: For to this purpose (says he, (Sir Robert Filmer's Books were reprinted, and others for the same. And truly, I am so far of this Gentleman's
O.

Opinion, that the good man the Pope may very likely call it a very foolish thing, and laugh at the Doctrine of any Kings Divinity, that endeavors to set himself above all Kings, so that unkind even to himself, and his Friends, the Dissenters; he unawares ties them up together with the Tenents of the rankest Jesuits of the *Romish* Religion, and endeavors with the self same Arguments and Objections, to set up the *popular* Supremacy, that those Impostures do the *Papal*. But first only let me beg a postulate or two from him that pretends to be a *Christian*, which an *Infidel* or *Heathen* won't deny, much less then one that has the Bible, for an asserting it's belief, viz. 1. That power *in general* without appropriating it to any *particular* Government, is somewhat that is *Divine*, not barely (as it is exercised by some *Humane* Beings *below*;) but as it is communicated to such from their God *above*, that is all so, and hath it as one of his Attributes, any of which is Infinite, and adequate to the Divinity it self. 2. That this power is actually communicated to some Being here *below* for their better Government and Sub-

B b

sistence,

* 1. Gen.
verse 18.

sistence. No Humane Beings, but such as desire to live like Beasts, can well deny, 3. That this part of *God's* Attribute, so communicated to *Man* from his * own Mouth *Dominion* imparted cannot cease to be *Divine*, notwithstanding such a Communication, though to a Creature *Humane*, all that understand the least part of Divinity will assert; and without any supernatural Illumination, even from this natural simile of the Sun's Light, can easily comprehend, which tho' it dart its rays through almost an Infinite *Darkness*; yet wheresoever they are extended still remain *Light*, neither is his own by the Kindness of such a Communication the less. So that taking it for granted which must be, that a power of Government is communicated to us here *below* by the God that Governs this and all *above*, and this so communicated, remains still *Divine* wherever it is lodged, the Question is reduced to this, Whether it appertains to a Multitude as many, or a Sovereign *Sole*, whether with their St. † *Peter*, 'tis seated in the *Ordinance of Man*, or the Powers with || *St. Paul* are ordained of *God*.

† 1. Pet.
2. 13.

|| Rom. C.
13. 2.

That

That this Divine Power and Right is in Kings, he has superseded my Labor to prove, by letting us know 'tis the Opinion of most of our Orthodox Divines, and their Sentiments are sufficient to determine the point, especially in Matters to be proved from the Bible, whose best Explanation one would think must be found amongst those whose Profession it is to expound, unless you would imagine the Bishops the better Readers upon the *Statute*. Hunt and his Casuists the most Conversant among the Critiques. That this *power Divine* is placed in the *People*, I'll shew it is the Opinion both of *violent* Jesuits, and the most *virulent* Phanatics, and their Seditious conspiring in the same sense, the most powerful persuasive with me that their Sentiments are Erroneous, their Position a Lye.

Bellarmino * tells us, *God has made all Men by Nature equal, and therefore the Power is given to the People.* † Buchanan tells us, *That they have the Power, and from them their Kings derive their Right.* || Parsons proves, *Kings have been Lawfully chastised by their Subjects.* * Knox † says, *Princes for just Causes may lawfully*

* Bellarmino de Laicis l. 3. c. 6.
† Buch. de Jure Regni p. 11.
|| Doleman l. 1. c. 3.
* Knox Hist. 372. 343.

B b 2

be

be deposed, or bridled by the Nobility
 * Suarez *shows, the Power of Deposing a*
 * Suarez *shows, the Power of Deposing a*
 King, to be in the Pope, or the Common-
 wealth. || And Calvin seems for suppress-
 ing the rage of unruly Kings, as well as
 the Ephori did those of Lacedæmon.
 † Mariana a Jesuit of Spain, says. The
 Common-wealth, from whence the Kings
 have their power, can call their King to
 an account. * Beza, Calvin's Successor
 at Geneva, tells us, The States-men of
 the Kingdom must restrain the fury of their
 Tyrants, or they are Traitors to their Coun-
 try. These few Instances may serve of
 four or five rank Romish Priests, that
 have been transcrib'd almost to a word in
 the Writings of some of the false Refor-
 mers of our late Times, and those that
 truly reformed our Religion so long a-
 gon, who so far agreed with the Roma-
 nist, from whom they dissented. But
 whose Errors in such pernicious Princi-
 ples in themselves might be imputed to
 the multiplicity of Matters, then to be
 reformed, which might make them want
 time for all Amendments, and that
 Rome, from which they did well, for the
 more purity of Worship, to withdraw,
 was (as an old Aphorism tells us) never
 built

* Suarez
 defen. Fid.
 Cath. l. 3.
 C. 3.

|| Calvin's
 preface to
 instit. 2d.
 Edit.

† Mariana
 de Reg. &
 Reg. Inst.
 l. 1. C. 6.

59.
 * Beza. 60.
 216. Con-
 fessions:

built in one day. But to see now, those that have had all the Advantages of *time*, Instruction of the *former* Ages, experience of *this*, and of what Positions still were the promoters of Rebellion in *both*: those whose fury against the *Romish Faith*, sometimes has exceeded the Moderation of the *Christian*, and whose Zealous Rage has made them preposterously judge, the best reformed Church in the World, our own, *Antichrist*, 'tis matter of Astonishment to see such espousing her Doctrines, wedded to her Principles, whom in their canting Tropologies, they still represent as a Whore: Yet still love for her Lewdness.

The Restauration of the King was brought about, he tells * us, without the Assistance of any of the Cavalier party, and the *recovered* Nation obliged a *wary* General.

* Postscr.
p. 10, 11.

The Suggestion is somewhat Impudent so boldly to deny truth, when the memory of man can give him the *Lye*: prethee did the *recovered* Nation oblige the *Wary* General, or the *Wary* General compel the Nation not yet *recovered*: 'twas well he had an Army at his Heels, and that at his Devotion too, or else his

Bb 3

long

long Parliament would hardly have Dissolved so soon, and then it would have been long before we should have had a free one. The Parliament upon the returning of the secluded Members, was made up of meerly Presbyterian, and how likely they would have brought in the King, had their Session continued to Sit, may be gueſt from their expiring Votes, (and ſure you may believe the Words of dying Men.) ORDERED that the General give no Commiſſion to any Officer, who will not declare, that the War undertaken by the Parliament againſt the Forces of the King, was juſt and Lawful. ORDERED that they farther declare, that they believe the Magiſtracy, and Miniſtry to be the Ordinances of God. ORDERED that they and their Sons, who have aſſiſted the King againſt this Parliament, be made incapable to ſerve in the next.

And had not ſome of the Honeſt Cavaliers, in ſpight of this Excluſion-Bill crept into the next Senate: Had not that Honourable Perſon, that eminent Inſtrument of the Reſtauration, the preſent Earlof Bath, (whoſe bold and Loyal Undertakings, may they laſt beyond our

our Annals, and be as they merit eternal) been ready to sollicite His Majesties Cause, whose *Goodness* could not but incline *so good* a General ; 'tis shrewdly to be suspected, these his Presbyterians, that *curst* then His Majesty with their *expiring* breath ; in that *blessed* Vote that sanctified all their *Rebellion* against his *Father*, that those that cryed *Crucifie him* to the *last*, would hardly have brought him into the *City*, with their *Hosannah's* : But when the *Net* was *spread* for them, 'tis no wonder they did their *Garments*, and when the Birds that had lived so long wild within their *Wood*, were once *Caged*, they might well be for *cutting down* their *Branches* in the way, and their greatest glory is ; they cryed out then, their *O King Live for ever !* when 'twas too late to Vote * again, the *Sons of Charles Steward should dye without Mercy.*

* Vid.
Journal
Mar. 1648.

A † Leaf or two, this Gentleman spends upon the Reflections that have been made, upon the Censures that have been past upon the Proceedings of some of our late Parliaments, and upon the Forgeries that have been contrived for the creating a belief of a

† From p.
13. to 28,

B b 4

Pro-

Protestant Plot; but I hope as much posselt as he was, the *Devil* of Sedition has left him now, as he does *Witches* and *Wizzards*, when he has got them in the hold, and brought them to the Stake, sure his Eyes are *illuminated* now by the discovering so many Deeds of *Darkness*, and he was only *blinded* then with too much *Light*, that of *Phrensy*, or he that was co-eval almost with the Transactions of the last Rebellious Parliaments, would have observed somewhat to make him suspect the *Loyalty* of some of the late. Did not that begin with an *Impeachment* against the *Duke* of *Bucks*, and these with the *Banishment* of a nearer *Duke*? Was not the *late King* by that accused of Arbitrary Power, and Popery? and were not both these Accusations level'd at our *present* in several * Votes? Was there not an actual *Plot* of *Papists* discovered only from finding some Letters of a poor Priest in *Clerkenwell*? and have we not had a notable one now, as *deep* as *Hell*, that none but Heaven can sound the *bottom*? Was not the good *old Queen* brought into the Conspiracy? and was not Her *present Majesty* sworn into this? Did they not declare the
King

* Vide
Printed
Votes of
the House
of Comm.

King seduced by *Evil Councillors*, and impeached several of the Seducers? Were not several of the *Council now* impeached, and declared Seducers of the King? Were not the *Judges* then impeacht, and *Jenkins* clapt in the Tower? Were not Articles drawn against *Scroggs*, and some of the rest declared *Arbitrary*? Were not the Spiritual Lords excluded from their Right in *Temporals*? and did they not now again dispute the Bishop's *Right*? Were not the *Ecclesiastical Courts* then to be *Corrected*, and that now taken into *Examination*? Was not *Manwaring* and *Montague* censured in the House? *Thompson* and several of our Clergy, now brought on their *Knees*? Was there not a Council of *Six*, whom the good old King impeached for *bringing in the Scots*? and have we not had *Six* of the Senators that have suffered or fled Justice for the *same Conspiracy*? Was not the *Militia* aimed at *now*, and taken away *then*? Was not the House of *Peers* Voted *useless*, and now *Betrayers of the Liberty of the Subject*? Lastly, did not the whole House take the *Covenant* at *St. Margarets*, and the Major part to have sub-

* Vid.
Ruffel's
Speech.

subscribed an *Association* now ? and last of all, Did not the *Junto* at *Westminster* pass an Act for the King's Tryal, and sign a Warrant for his Execution ? and now a remnant of a disbanded House, propose *horrid Things*, that made even some of the Conspirators * *fly out*, upon which ensued a discovered *Assassination* of their Sovereign ; and was there no danger of a *Parliament* ? no sign of a *Protestant Plot* ? Only, because the King did not leave *Whitehall*, and go down to *Hampton Court*, because there was no *Essex* in the *Field*, as well as the *Plot*, no King secured at *Oxford*, as well as in the *Isle of Wight*, that there was no *High-Court*, erected at *Westminster*, but only a better *expedient* found out at the *Rye*. If these are Arguments to render an House of Commons *unsuspected*, and a Plot of the Protestants *unimaginable* ; if because here are perfect *Parallels* of Proceedings as even as if drawn with a Compass, *Mathematical*, and which according to their proper *Definition*, I could draw to *infinity* ; yet still there must be presumed a great Disparity between the Subversion of the Government, that was *actually* compass, and the De-

Deſtruction of it ; *now* that was ſo lately intended. If there be the leaſt Difference between what led to the laſt ſetting up an Uſurper, an Arch-Rebel, in the Throne, and theſe late Machinations of Hell to retrieve the ſame Uſurpation (bating but the Providence that interpoſed againſt its Accompliſhment) Then will I own what this Villainous Author will have taken for granted : That thoſe that have the *leaſt* Suſpicion of *Parliaments* are the *greateſt Villains* ; that a Plot of Proteſtants proved by Confeſſion is ſtill a *Paradox*, and that my ſelf *deſerve*, what he has *merited*, a *PILLORY*.

The Pages that he ſpends in declaiming againſt *trifling Wit*, ſuperſedes all *anſwer* and Animadverſion, which himſelf has prevented in being *Impertinently Witty*, upon the very thing he condemns: The *ſtreſs* of his Ingenuity is even *ſtrained* in the very *declaiming* againſt it : And *Settle* has not ſo much answered *Himſelf*, as *Hunt* here his *own Harangue*. That Gentleman ſate down a while for his ſecond Thoughts ; but this prepoſterous Prigg ſets himſelf in his *own* glaſs at the ſame time a Contradiſtion to his own Writings.

His

* pag. 39. His * Observations upon the perjuries of the Popish Priests is so severe, that the absolute Argument of their *Guilt* is drawn from their *very* denial, their Superstition I abhor as much as the *Treasons* they dyed for; but I pity their Obstinacy, which till I am better satisfied I shall not condemn; his inhumanity is hard, which unless he had good Assurance, by Christians must be blamed; there is not a Criminal of our *latter* Conspiracy I will de clare *Guilty* beyond his *own* Confession, and then there is not one that dyed but whom I can well think *Guilty*.

|| pag. 49. *His* next || Observation that is worth *Ours*, Is that upon the *Legislative Power*; and there he makes each of the two *Houses* to have as much of it as the *King*, and that I *deny* with better Reason than he can *assert*; that the two Houses are concurrent to make a Law, I'll willingly grant, 'tis my Interest, 'tis my Birth-Right: But that which I look upon to be truly *Legislative*, is the *Sanction* of the Law, and that still lies in the breast of our *Sovereign*. If Mr. *Hunt* that in many places is truly *Pedantick*, will rub up his *Priscian*, the *Grammatical Etymology*



logy will make it but *Legem ferre*, and then I believe his House of Commons, will be *most Legislative*, 'tis their Duty, their Privilege rather to bring and offer up all Bills, fit for Laws; and the King still I hope will have his *Negative* in *passing* them, the Commons *pray*, *petition* to have them past, and that implies a *consent Superiour* to be required that can absolutely *refuse*. || the King can without Parliament charge the Subject where 'tis thought for *their* Benefit, and allowed to dispence with a Statute that concerns his own; resolv'd by all the Justices, the King by himself might make Orders and Laws for the regulating Church Government in the Clergy, and deprive them if they did not obey, 22. *Ed. 3.* says, the *King makes* the Laws by the *Assent* of the Lords and Commons, and so in truth does *every* Act that is *made*, and every clause in it. * *Bracton* says the Laws of *England*, by the Kings Authority, enjoin a thing to be *done*, or *forbid the doing*. These are Arguments that our King sure has somewhat more than a bare *Concurrence* in the Legislative: If not, he must be *co-ordinate*, and then we have *three Kings* (which is what they

|| Vid. quel
Impositi-
ons le Roy
poir grant
sans Parlm.
Roll. Abr.
171.
Le Roy
poir Char-
ge le sujet
low per be-
nefit del
Sujet sans
Parl. 1. H. 4.
14. Roll.
2d. Abr.
171.
Les Com-
mons Pri-
ont was
wont to be
a Form
Croke, 2d.
part. 37.
* *Bract.*
Lib. 1. C. 2.

they would have) and then as well may *three hundred*. I love *my* Liberty better than our Author, who has forfeited *his*; yet I remember when too much freedom, made us all *Slaves*.

The *Extent* of the Legislative Power is great; but then I hope 'tis no greater, than the King shall be graciously pleased to grant it shall extend: And then I hope it must be allowed that *Equity* and *Justice* must always determine the *Royal Sanction* too, which cannot of it self make all things *Equal* and *Just*, should it stamp a *Le Roy vult*, at the same time upon Acts inconsistent and contradictory, upon such as were against the Law of Nature, and all Reason; such would be *de facto* void: 'Tis hard to be imagined such Error and Ignorance in so wise an Assembly; but what has but bare possibility in *Argument* must still be supposed: but that it has *actually* been done, will I prove *positively*, and not with some of their illogical Inferences suggest that a thing must be so only from a bare possibility of *Being*.

Be

Be it therefore enacted by the Kings most excellent Majesty, and by the Lords and Commons in this present Parliament Assembled, ('twas then first those, that were by special Act since declared Traytors made their King * co-ordinate, assumed to themselves so much of the Legislative, that they left out the Fundamental form, by and with the consent of the Lords Spiritual and Temporal and Commons,) that the said Earl of || Strafford be adjudged and attainted of high Treason; provided that no Judge or Judges shall adjudge or interpret any Act or thing to be Treason; then as he or they should or ought to have done, before the making of this Act, as if this Act had never been made.

* Lords Spiritual, Lords Temporal, and Com. the three Estates.
Cook 4. Inst. of Par. the very first Leaf and Line, and won't they believe their own Oracle?
|| Strafford's Bill of Attainder.

This piece of Paradox, the Contradiction to Common Law, Common Sense, and Reason, had all the Consents, all the Concurrences that could if possible have made it truly Law, and even his unhappy Majesties forc'd, extorted Compliance. But will any Creature that is barely distinguish'd from a Brute, that can only offer at the mere privilege of his being Rational, debase his very Nature so much as to call it Justice? Would they ascribe an Omnipoten-

cy

cy to this their power of Parliaments, beyond that of the *Almighty*, and blasphemously allow to this their *Created* God, what the *Schools* would not the *Divinity* it self, to *reconcile Contradiction*? but still these Statute Mongers, that can make any *Miscellanies* of *Parliament* for their turn, this they will defend to be *Legal*, only because it was past into a *Law*: Let it be so, but still there must be much difference between this their *Legality*, (which now in their Sense can be nothing, but the *power of making Laws*,) and *common Justice*, which must be the *Reason*, for which they are *made*, and what is contrary to that, and *all Reason*, by the *Laws of God*, and *all Nations* must be null and void, otherways the most *Barbarous* Immoralities that an Heathen would blush at; by such an *indefinite Legislative* would be truly *Legal*, only because they are past into a *Law*; Murder it self made *Statutable* as soon as ever those that have the power have Sign'd it for an *Act*. These Suggestions of Consequences are far from being extravagant, because at, present, the Principles that lead to them, are what but very lately have been Printed

ed and Publish'd ; and the very Practi-
ces themselves, not long since put in
Execution.

This * Author I am handling has * Postscr.
made his *Legislative* not to be *confined* ; P. 55.
and that *Plato*, we have pretty well ex-
amined, allows his People can pass *any*
thing for the good of the Common-
wealth ; and then it may *Polygamy* too,
because it was practis'd in his Republick,
and is now tolerated amongst the *Turks* ;
and what some Waggs tell us, an indi-
screet Member was once moving for
here : But that we can have Parliament
Murders too, for I cannot call it less,
since the Law has declared the Contri-
vers of them || Traitors, the Case of || Parl. 12.
Strafford, the Martyrdom of their King, Ch. 2d.
are too terrible Testimonies, that our C. 12.
Legislative has been strein'd to make the
greatest Injury *Law*, and *Treason* it self
the *Statute* of the Land, for they *pass* an
Act for the Tryal of their Sovereign,
and then declared it *Legal*, because it
was *pass*.

† Cook himself, (whose Words with them, † Cook 4.
is all *Gospel* too) tho he in his Pedant- Inst. C. 1.
ick Phraseology, puts no period to this p. 35. huic
C c power rerum, nec
tempora
pono.

Power of Parliament, yet in the very
 * pag. 37. * next Page condemns the *self* same sort
 of Proceeding; and that was in the
 Case, that hard Fate too, of an other
 Earl as Innocent perhaps also, and as
 || Earl of unfortunate: || *Cromwell* was attainted
Essex 35. in *Henry* the Eighth's time, much after
 H. 8. the same manner my Lord *Strafford* was
 in *Charles* the First; but only if so great
Injustice can be extenuated, the latter
 was more *Inhumane*: For tho the First
 was Sentenc'd and suffer'd by Parlia-
 ment without being admitted to An-

* Magna Charta C. 29. 5. Edw.
 3. C. 9. 28. Edw. 3 C. 5.

|| The Manner of the *Romans*,
 was to see Accusers Face to
 Face, and Answer, (if you be-
 lieve the Bible) *Acts* 25. v.
16. Matt. Paris vita R. Jo-
han. 275. *incivile videtur* &
contra Canones in absentem fer-
re Sententiam.

† Deutrinomy Chapter xix.
 Verse iv. *The Almighty pro-*
vides for the Prisoner's De-
fence.

* My Lord
Digby, with
 several
 others.

answer, (A Proceeding
 against our * own Laws,
 those of all || Nations,
 and of † Heaven it self, a-
 gainst all that was *Hu-*
mane or *Divine*; yet
Wentworth's Measure was
 more hard, whom they
 made to suffer with an
 Attainder after he had
 argued for his Life, con-
 founded his Accusers, and
 convicted some of his
 own * Judges: The same
 sort of Severity Sir *John Mortimer* met
 with from this Parliamentary Power,
 upon

upon whom they pass a Judgment without so much as permitting him to be arraigned; but these Barbarities of Mr. *Hunt's unlimited Legislative*, were condemn'd even by this their learn'd Lawyer: (tho' he would not, did not, or dared not question their Authority;) yet damned them (in his own Words) *if it were possible to dark Oblivion, if not to be buried in Silence; but this more Dogmatical Judge with his Postscript, has rather Encouraged such Injustice and Severity, and represented to his Parliament a power they have of Proceeding more unwarrantably, when he tells them, *tho the Succession of our Crown be Hereditary, they can alter the whole Line, and Monarchy it self, by their unlimited power of their Legislative Authority.*

Vid. Rot.
Parl. ad. H.
c. num. 18,

* But of these says he, Auferat Oblivio (si potest) non, ut cuncte silentium tegat 4 Inst. p. 37. Postscript P. 74.

But I shall also shew him that his Legislative power, as it cannot justly extend to such great and impious Extravagancies (yet, but what we see it has been actually stretch'd to,) so neither can it to some other things that are less so. In King Edward the Third's Time, there were several Acts pass'd, that took away the power of Pardons from the Prince; yet all these made void by the

|| Stanford
2. 101.

† 2. Jacob.
Term. Hill.
Cook Lib. 7.

Common || Law, because *against* the
Prerogative of their *King*: And it was
 resolved by the Judges in King *James*
 † his Reign, that *Himself* could not
 grant away the power of Dispensation
 with the Forfeitures upon the Penal
 Laws, because annex to his *Royal Per-*
son, and the *Right* of his *Sovereignty*:
 And if what is only Derogatory from
 the Crown's *Right*, and King's *Preroga-*
tive, shall be actually voided by the
 Common Law, as we see it did to the
 nulling *three* several Statutes; I cannot
 see how this Bill of Exclusion, had it
 past into an Act, would not have been
 as much null and void; unless it can be
 proved that our *Hereditary* Descent of
 the *Crown*, is not so much the King's
Prerogative that wears it, as the *Pardon-*
ing of a *Felon*, or the *remitting* a *Fine*:
 And that I believe will be difficult to
 be cleared by those that have spent so
 much Pains and Paper for its Justificati-
 on, and our Author himself so much
 Labors for; so that even the *Common*
Law it self will anticipate the Work of
 the Statute: and perhaps his Highness
 need not have stayed till that of *Henry*
 the

the || Seventh, had taken away his Exclusion, as well as Attainder, and purged away all his Defects, and framed in capacities by his coming to the Crown.

|| 1. Henry the Seventh Fol. 4. Que Le Roy est Person dis charge

D'aucun Attainder. quil prist sur luy le Reign & estre Roy.

I have but two Cases more with which I'll conclude Mr. *Hunts* great point of *Legislative*. In † *Edward* the Third's Time, an Act was purposely declared void that was past, and the King had declared to give his consent to it. But it seems upon some oversight, or error, it was not actually done: And in the First of * *King James*, when they recogniz'd his Right, they petition him to put his *own* Acknowledgement too, without which it would not be compleat and perfect, from which I shall infer, upon the First; here was an Act past, upon the King's declaring, he would give his consent; had there been nothing else but his bare Assent required, that declaring that he *would*, might have been taken for *granted*; and his not opposing it afterward sufficient, not to have rendered it *all null* and *void*, and the great *Imprimatur* the other two

† 5. Ed. 3.

* 1. Jacob.

Houses had given it, with their *Legislative* have might in some Sense made it somewhat *Obligatory*: But here 'tis absolutely declared void as wanting the *very Sanction*, that makes it a *Law*, or any thing besides waste Paper.

|| Posticr.
pag. 44.

Mr. || *Hunt* tells us, we would not say an House of Commons can make a Prince of *Wales*, because the Prince of *Wales* was once confirmed by an House of Commons: And I'll tell Mr. *Hunt*, just such another *Tale*; The King cannot make his *Coin* without *Metal* and *Allay*, but does therefore the *Metal* and *Allay* make the Kings *Coin*, 'tis his Royal Stamp, 'tis his own Impression that makes the Money *Currant* as well as the *Laws*.

I. Jacob.

From that of King *James* we may justly conclude, That if here, as they say, there were nothing required, but *barely* the Kings consent to the making it *Law*; that might well in such an extraordinary Case as this be thought unnecessary to be demanded, since the King, that came so far for *asserting* his *Right*, could not but in *Reason* be supposed very willingly to consent to any *Recognition* of it. But they knew it might be
an

an *Acknowledgement* of his Subjects without his *Assent*: But never an *Act* of Parliament, without such a *Sovereign Sanction*. In short, 'tis the Privilege of all our *three States*, Lords Spiritual, Temporal, and Commons; 'tis their Birth-right, and that of every Subject to have a Concurrence in the making all Laws; (and why should I, be thought to Love my Native Right less than Mr. Hunt?) yet still this Peoples concurrence need not to be *Co-ordinate* with their *Kings*, or their Kings, but a *bare Concurrence* with the People: 'Tis a Solecism to sober Sence, to say *Subjects* can be *Co-ordinate* with him, to whom they are *Sub-jected*; and as absurd when they would salve it with saying, As *such a Senate*, they are not *Subordinate*, when even for that their politick *Existence*, they depend upon the breath of their *Sovereign*.

'Tis Remarkable to see, and observe, how Providence has defeated, not only all their Attempts upon the Government, but even their most Malicious Suggestions, What pains did he take to turn over his *Annals of Scotland*, and pick perhaps out of his *Hector Boethius*, an Author that lived at his University,

Postscript
pag. 55.

when he writ, far from the place where the Records were kept (as a Learned and Ingenuous Author of that Nation observes) which were the only things that could inform an Historian well in the Descent of the Crown ? or from the prejudic'd Writings of *Buchanan*, whom none but one so partial as himself; such an Enemy to our *own* Government, as that was to the *Scots*, would have consulted in any thing that related to the *Crown*, and that only to make his Sovereign descended from a Bastard: He might from that * Author have told us too; The *Scotish Kings* have *all* their *Power* from the *People*, and therefore the *People's* above the *King*: that the *Multitude* have the same power over *Kings*, that they have over the *Multitude*, who can depose him, and if he won't submit to their Charge, they can raise War against him, or any private Person *kill* him.

* *Buch. ju-*
rs Reg. p.
§2. 62.

But how has Time and Truth convinced the World that his Assertion is plain *lye* ? and I am sure without it, his Inference had been *false*; the King's Learn'd Advocate there has shewn from Records: That *Robert* the First King of the *Stewarts* there, was married to this
Eliza-

Elizabeth Mure, that she was his first Wife, that from a copy of an Act of Parliament held at *Scoon*: the Succession was recognised to the Sons he had in his first Marriage, which were the same, *Hunt* has made *first* Spurious, and then would not allow them Legitimized by the *second* Marriage, because the *first* intervened, contrary to the *Canon* of the Church, that *then* obtained, and the Opinion of † all *Civilians* at present, and as he might have found it in the very Codes of *Justinian*; With what Face can he now behold his own Impostures, or turn over a Leaf of his Seditious falsehood without *trembling*? The most adequate punishment I believe would be to confine him to read his *own* Works: *Blushes* and *Shame*, If he be not proof against both, must torment him more in the *review*, than he *rack'd* his tortured thought in the *Penning* it; the *sham* of the *Black-Box* may as well be credited by the next Age, as this has done that of the *Black-Plaisier*, when such *Hunts* shall Write their History of King *Charles* his Court, after the same rate that *Welden* has that of King *James*; when they shall not only contend at the same

† Hottom.
de Concub.
L. cum
quis C. 16.
de natur.
Lib.

same time to make *Bastards* of those that are Legitimate, but Legitimate those that are *truly Bastards*; and the one all against Record, Charter, Statutes Ancient; the other against the many Modern and Express Declarations of their present King: This piece of this Seditious and Discontented Lawyer; these now unquestionable Falshoods, will be rever'd by the *next* age as a Revelation, if not sufficiently exploded in *this*; and I know that *Welden* is hugg'd at present by the Faction as an *Oracle* of Truth, only for giving of his *God* the *Lye*, and reputed as an Author *sacred* only for *Libelling* of his *Sovereign*, that was truly so, and representing that *Providence* as a * *Plague* to his Royal Progeny, that has signaliz'd it self in nothing more than in *Miracles* for its Preservation.

* Vid *Welden's* Court
ad finem.

Most of the rest of his sublimated Sedition is spent in exposing the *Divine Right* of Kings, the Right of their Succession, and in truth of the *Bible*, and its Author, the *Almighty*; he begins to confute || *St. Paul* with that bandied Argumentation out of *St. Peter* that *Kings* are the Ordinance of Man, and with

|| Postscr.
l. p. 63.

with that very Text on the Front does that Devilish piece *de jure Magistratum*, in one of its Editions begin: So Mr. *Hunt* enters upon the Stage of his Argumentation with a perverted Text, as well as one a reputed *Papist*, that was supposed to be set a Work by the Pope for raising a Rebellion against our most Protestant Queen *Elizabeth*, of whom I have two or three Editions by me, such Encouragement does Treason and Sedition still meet with amongst our Puritans, and the Popish part of the World for *Re-impression* and *Improvement*; and from this damnable Libel upon Christianity it self, and the Badge of its Profession, the Gospel, a piece so lewdly Seditious, that both the Catholicks and Phanaticks that hugg its Doctrine, yet had not the Confidence to entitle themselves to the work; from this and *Bruntus* his *vindicte* has Mr. *Hunt* and his Apostate, absolutely borrowed all their Principles, at least unfortunately transcribed them by Inspiration, which I may demonstrate with as plain a Parallel as any Corollary can be drawn from a Mathematical Proposition; when I come in the next Chapter to handle that

Ficleney a supposed *Romish* Priest, tho he railed against Pope and Mass, which might be pretended and affected *Puritanism*.

that *Reproach* to Christianity, that *Op-probrium* of our Church. In the mean while give me leave to close this with these few Animadversions upon some of this Lawyers Sentences, before we come to the Lewd *Maxims* of the

*P. 68.88.

Divine. * He tells us with *Passion* and *transport*, that this Opinion of a *Divine* Authority in Kings, renders us all *Traytors*, and this Doctrine of their Divinity is *dangerous* to the *Peace* of the Kingdom, and pregnant with *Wars*.

Nothing but a *Zeal* that had overcome his *Senses*, could precipitate him upon such Paradoxes, the only thing that prevails most with me (and I believe with all that are not open Enemies to the State, or fled from its Justice) for an entertaining of this *Religious* Principle of our *Loyalty*, is that nothing can possible with Christians be a better Argument for their living *peaceable* under so *good* a Government ; or were it not so *good*, than to believe that those that are their Rulers have Authority from their God, and sure his *Anointed* is preserved the sooner from being *toucht*, from the regard an Heathen would have to any thing that has a power

power *Sacred* and *Divine* : what can be a stronger Conviction to a Reasonable Soul of the *good*, the *peaceable* Consequences of such a pious Doctrine, than that those that contend so much against it, are still found to be Disturbers of our *Peace*? Can he prove that the *Consecration* of a Church, and the very presence of God in the *Tabernacle* shall be an Encouragement for *Sacrilege*, and an Invitation for a Villain to rob it of its Candlestick, Chalices, Offerings and Oblations : Only that he may break the Tables before the Face of his God, that gave the Law. But whenever our *Peace* is interrupted by this Doctrine, It is only by such *Sacrilegious Desperado's*, as dare attempt *Majesty*, and that upon the same account, for *Plunder* and Prey.

At the last * he is mighty tender of his *Fanaticks*, and their Throats ^{*Pag. 148,} from the *Papists* ; but sure he may ^{149.} be now less concerned, when we can match them with an intended *Massacre* of their *own*, as clearly proved as the *noon-day*, but may well be disbelieved by such who can not only side with the *Turks* in their *Arms*, but almost

most in their Infidelity : But I can tell them a more Ingenuous, a better way of denying their Plot, by *confessing it*, by owning what indeed it was, a *bare-fac'd Conspiracy*, a *Resolute Rebellion*.

Hitherto Mr. *Hunt* has been animadverted on, as his Lewd Expressions, and the more abominable Principles in a Person pretending to so much sincerity lay scattered *promiscuously* ; so that our Remarks must have made a *Miscellany*, as well as his Books ; but its whole substance of Sedition, I shall reduce now to three several Heads. *First*, * That Assertion of the *Legislative* which he would not allow in the *King*. *Secondly*, That *Divine Right* which he would rather place in the *People*. *Thirdly*, That *Succession* of the *Crown* to depend upon a Parliament, or the power of *both*.

p. 46. 61.

The first Reason that he gives for the first, is from his Rule, and Inference in Arithmetick ; where a Unite added to two makes a Third. And the Conclusion is, because none can say therefore, those two do not go to the making that number, and what then ?

then? Therefore the King hath not the *Legislative*, and this is the Logick of this Body of Law, when it sets up for the *Mathematicks*, and would demonstrate the King's *Co-ordinacy* as plain as a *Probleme*, and he might have told us too, without turning pedant in his Latinisms of *Unites* and *Triads*, that *one and two makes three, which no body can deny* (as the burden of the Ballad has it,) and here upon the strength of his Performance, he has found out this wonderful discovery: I know not what kind of *Figure* he would make of the King here; but I am sure such kind of Seditious Souls could with all their Hearts make him pass for a *Cypher*, I could find in my Heart to cap the pretty simile with another as silly; *A three legg'd Stool*, take away *one* and all tumbles to the Ground; they being all *Equal* and *Co-ordinate* powers, for the supporting of this *Supremacy* in *Cathedra*, which sounds as well as their *Curia* or *Camera*, their old musty *Metaphysics* that distinguish once the King from his Crown. And this obliging Metaphor, will serve Mr. *Hunt's* turn much better; For here every foot of
this

this *Magisterial* Stool, is commonly made of the same Matter and Mold, joint Supporters of the *tripple* Dignity, whereas his Unite even amongst Mathematicians is allowed somewhat of Precedency, and to be the *First*, the *Foundation* of all number.

But to be serious (if possible) in an Inference so silly, must he not suppose in such a simile of two Figures, which by the Accession of an Unite is made a *Triad*, and the *two* concurring as much to the making that number, as well as that *one*, must he not suppose (I say) this to result from the equality of every single Unite, so that one can not confer more to the Composition of this *Triad* than another: If they be not equally concerned or impowered; then one would concur more to the making up that number than the rest; so that this Law Philosopher, this *Cook* upon *Herreboord* will be reduced to this *Dilemma*, either they do not equally go to the making up that number, or they do: If they do not, he denies his *own* Supposition, and gives himself the *Lye*: if he grant they do, then his simile is Nonsense in the Application, and a very

ry begging of the Question: For we say that our Monarch, who, if he please, shall be the *Unite* for once, is *more* than either of the other *Two*; and if the peevish Malecontent won't be angry, I'll tell him *more* than *Both*? his Assent is such an *One*, as is attended with a power to *deny*, and neither of them will pretend to the *Negative*; and that is the true Reason we find all our Republicans so furiously contending, for the taking away the *Kings*. It was for this, * *Pryn* Printed and Pestered the Press: For this he trump'd up his Treatise, That his Majesty's had not an absolute *Negative* Voice to deny Bills of Common Right: For this || *Plato* tells || *Plato* tells us, That His Majesty having it, evacuated the very ends of Government: For this *Hunt Harangues*, and says, He is so bold to say, That never any Bill in Parliament wanted the Royal Assent, that was presented by the Desires of the *People*. (And I think 'tis bold enough said with a Witness:) For is not this King left at last by the Laws of all the Land, Sole Sovereign Judge, what is really fit for his Peoples *good* to be past? whereas he presumes that their bare presenting,

D d sig-

* *Pryn's*
power of
Parliam.

|| *Plato*
Red.

Hant p. 50

signifies the Desires of the *People*, and that must absolutely determine the Jurisdiction of the Prince.

* pag. 47.

* He tells us, when a matter is moved. in Parliament by the King, the Commons consent last, and are therefore the Commons *Co-ordinate* with their *King*? Or does that only signifie, the Candid Custom of the Proceedings in Parliament? The King is presumed upon his own Proposal of any matter; the Party; and they being consulted is only for their || Advice, as the very Words of the Writ expressly have it, by which they are called, and the very Etymology of their very Name, the great *Council* expresses.

|| Confili-
um impen-
suri. the
Words of
the Barons
Writ.

4. Inst. p. 4.

Controversies in such Cases will be *Eternal*, until the Disputants agree in the same Notion of the Thing, they so much dispute: For otherways it is but making of *Words*, instead of *Arguments*; if they mean by the *Legislative* of the two Houses, a power of *Concurrence* with their King in the making Laws, and that their *Consent* is to be required, they labor to prove just *nothing*, or what they may have without so *much* pains, and to so *little* purpose: If they will insist upon

on the Natural Etymology of the very Word, they will find the Derivative *Legislative* to be deduced as above, from the Latinism, *Legem ferre* ; and then in God's Name, let the two Houses enjoy even of that an *Arbitrary power*, and bring in what Bills they please, so long as they will not again force upon us, an *Ordinance* or *Vote for Law*, and the *Statute* of the Land ; but if their Sense of this *Legislative power* must signifie, That their *Commons*, have as much of it as their *King*, and That 'tis that which makes their *King* Co-ordinate with his *Commons*, as is sufficiently clear from their Writings, that it is ; then I affirm 'tis against Law, against Reason, and a *Lye* : For the King by the very Law it self hath power to dispence with Statutes ; his Proclamation is a Law, and an Edict, and as much as any of the Decrees of the *Roman* Emperor's ; with the Advice of his Judges, he will dispence with the rigor of the Laws, if too severe, and resolve their meaning if Ambiguous. Have their two Houses, whom they would have these mighty Law makers, the power of repealing, or so much as altering those very Laws they make,

D d 2

with-

without their Kings consent? And tho this Laborious Lawyer observes, That neither their King can pass any thing he proposes without theirs; yet this his power, and that when they have not so much as a Being, Evinces the Prince, at least *supream* in the *Legislative*.

The Learned in other Laws besides our own, tell us, a *Legislative power* may partly be delegated to other Persons, tho *Subjects*, and yet remain in the *Prince* even *entirely*, notwithstanding such a *Communication*; I confess the *Opinion* of *Canonists* and *Civilians* may not be so *Authentick* with some, that *abhor* their very *Names*; yet *Grotius* himself is of that *Opinion*, and he a Person that our *Republicans* can cite even on their *own Side*; but *our own* * *Laws* allow it, or else I think our Judges too might make themselves *Co-ordinate*; because their King's *Commission* communicates to them all the power of distributive Justice, that is in the King: We are told the King has committed all his power Judicial, some in one Court, some in another, and therefore the Judgements run, *Consideratum est per Curiam*, &c. and 'Tis resolved, That if one should render himself
to

|| PlatoRe-
divivus.

*Vid. Brit.
Fol. 1. 4.
Inft. 70.

|| 8. H. 4.
19.

to the King's own Judgement, it would be of none effect ; yet for all this it would be false to affirm, That he does not do justice, because he has delegated it to others to be done. The King does not put in Members of Parliament as he does Judges ; yet Peers he makes, and calls them to Sit ; and Commons cannot come without his Writs for Election ; but certain it is that our Kings once had a more absolute *Legislative* ; for they all know their Lower House commenced but so late ; and heretofore their Nobles and Bishops, but such as the King should be pleased to call : And I cannot imagine that when our Princes admitted the Commonalty to be concerned in the making Laws, they then designed he should lay aside his own Legislative, or put it in Common as they do their Land in Coparcenary ; or in their great * *Coke's*, the learned Lawyers Language, make an *Hotchpotch*, a *Pudding* of his *Prerogative*.

* *Coke 1st.*
Inst. Corp.

If every Politick Body, that has but a share in this *Legislative*, must also be presum'd to participate as much of it as the King, I can prove to them every petty Corporation, Co-ordinate with their

D d 3

great

great Convention of States; and even a poor *Parish*, as great Legislators as an *House of Parliament*; for by the Laws of the Land, even those can make their By-Laws without Custom or Prescription, if they be but for the good of the * *Publick*, and if they can but prescribe to it, may pass any private Acts for their own: The *Civilians* make their Law to be the *Will*, and pleasure of their Prince: But tho our || Antient Lawyers would not expound that absolutely for our † *own*, yet they seem to make it but little less; only say it must not be meant with us of his *unadvised Will*, but such an one as is determined upon the Deliberation and Advice of His Council.

* Pour Re-
paration
del' Eglise
d'an haut
voy, &c.
44. Edw.
3. 19.
|| Bracton
l. 1. c. 9.
† Fleta
l. 1 c. 17.

* Pryn's
Treatise
for the
Peoples
Legislative.

Pryn, that preposterous Asserter of this their Legislative, has furnished them sufficiently with as contradictory Arguments, as absurd as irrational Inferences for its defence. He tells us in his Treatise * that *Kingdoms* were before *Kings*, and then the *People* must needs make Laws; (that I confess setting aside the very Contradiction that there is in Terms: For certainly the Word *Kingdom* was never heard of, till there were

were *Kings* to Govern; He might as well have told us of a *Derivative*, that was a long time before the *Primitive*) but bating this Solecism in Sense and Speech; well meaning *Will*, designed it perhaps for the Word *Country* that was; (I believe as well as he) antecedent to the King, but must it be inferred, because the Land was once without *Kings*; therefore now no *Kings* must govern the *Land*? For the Conclusion is as absurd to say, That therefore the *People* have the *Legislative*, and their *Prince* no *Negative*; they do not consider the result of such rash Inferences, which return upon themselves more stronger in the rebound, and that even upon their tenderest places, which they can hardly suffer to be touched. Kings and Lords did a long time meet in Parliament before Commons in that *Convention* were so much as thought of, and therefore must none now be convened? The Papists proudly tell us, their Religion was long before *Luther*, and must we not now profess our *Protestant Religion*?

Another of the same Nature, and as much Nonsense, is * this, They infer from * *Ibid.* the possibility of the *King's* dying with-

D d 4

out

out Heir, and the Government returning to the *People* who then would be the Sole Legislators? That therefore they must have much now of the present Legislative, and be at least *Co-ordinate* that have a possibility of being *Supream*. The Supposition sounds somewhat like the Song of the Children, *When all the Land is Paper*, &c. Tho it spoils another good Proverb, *That no Man dyes without an Heir*; but the silly Souls do not consider, that by the same Solecism and Supposititious Reason, not a Subject has a Right to a Foot of His Land: For the Law says, All that is in *England* belongs to the *King* as || *Lord*, which if the owners dye without Heirs must escheat to the *Crown*, and sure 'tis as possible for any Subject to dye without Heirs as his Sovereign, when the † Law has taken special Care for *them*; and then 'tis but turning their *possibility* of a Right into an *actual* one, and they will be the most obliging Subjects to the *Crown*, that bring such Arguments against it.

* *Pryn* his
Treatise
ibid.
|| Postscript
pag. 51.

Another of * *Pryn's* pretty Paradoxes, is the very same with || *Hunt's* impudent Assertion. I may with *Modesty* call it

it so; since himself says, he *dares* to be so bold to assert it. It is that *our Kings* *anciently* *always* *consented* *to Bills offered* *for the publick good*, and the Postscript that never *any Bill was lost*, or wanted the *Royal Assent* promoted by the GENERAL DESIRES of the People:

That Bills have been rejected they'll find upon Record, and in the Journals of almost every Session; and whatever is presented in Parliament must be supposed the Desires of the People, who Sit themselves there in *Representative*; but the mistaken Gentleman, meant it of the *Bill of Exclusion* to be the Peoples *General Desire*: but that at last he finds a Lye too, and that the *Generality* have for the most part protested against it in Addresses declaring more the Sense of a People, than a prevailing Party in an House of Commons, when the best part of the Nation too, the Lords did not concur. But did not in *Queen *Elizabeth's* Time; and that even so lately, the Parliament, and even every Individual in the Nation, desire her to declare her *Successor*, I am sure with greater Sollicitation, and a more general Unanimity, than

* Vid.
Camb. vit.
Eliz. 106.
Edocta fu-
it quantum
emineat
a successore
designato peri-
culum.

than they could be said to desire that *Exclusion* of the *present King's*; did not the two Houses offer her four subsidy Bills upon that very Consideration, and she as resolutely reject both? And could the refusing to shew even a Kindness to her *next Successor*, upon the opportunity of all her *People*, with Money in their Hands, be *less* resented? And shall the King, for declaring only against a Bill that was never tendered him, for declining to concur in this deepest Injury to his *own BROTHER* and Heir, and to pleasure those only that denyed to part with a Penny, be reproached and condemned so much *more*?

Did not the Parliament tender to King *James* three several subsidies to break of the Match with *Spain*, and the Treaty of the *Palatinate*, and he refuse tho tempted with what is seldom the Subjects Bait, *Money*? How many Bills of Rebellion did the Mutinous Members, and that in the Name of *all* the People prefer in their Propositions to our Martyred Sovereign, to which the poor Prince prefer'd the most Ignominious Death, rather than condescend with his

Vault

Vault or Avisera. * Base Caitiff! (forgive but your own *Billings-Gate*) should these neither have wanted the *Royal Assent*, 'because offered in the name of all the *People of England*, and as the *general Desire* of the Subject; if that Suggestion must have extorted his Assent; then, mighty Miscreant! he must have past an Act for his own Tryal, Sign'd a Warrant for his Murder, for in that name he was *Arraign'd*, * in that name he was *Sentenced*, and in that he *died*.

* *Hunt's Phraseology*, pag. 94.

* Vide *Bradsh.*
K. Tryal.

Poor prejudic'd Soul! whose discontent and Transport makes his own Maxims undermine the very Cause he would defend: Is then this *general desire of the People*, such an absolute infallible Determination of Matters of Religion, and Descent of the Crown, (the very only points he labors for,) that if their Desires be but promoted, put up in a Parliamentary way, by Bill or Petition, it must presently oblige the *Royal Assent*? Be it so, base Creatures! your own Arguments as *basely* betray your own Religion; your own Arguments will help truly to subvert, that which you seek to *Establish* with such a *furious*, but *false Zeal*, for ought I know the Protest-
ant

ant Religion had been so settled in its Infancy, in its first Reformation in the Reign of him, that was the *first* Defender of our Faith, that it could never have been so soon interrupted with a succeeding Persecution, had but *Henry* the Eighth refused the Bill of the * Six Articles, prest upon him by both *Houses*, this was Judged a just and necessary Bill from *Hunt's General desire of the People*; but had it not been better? had it not saved the Blood, perhaps of all the mighty *Book of Martyrs*? had the sturdy Prince rejected this as he did many other *general Desires*? It was this *Royal Assent* alone, which would to God it had been *wanting*: And this Sycophant would have wish'd so too, did he *really* love the Religion, he so *falsely* labors for. It was the *Le Roy vult*, the Result of the Peoples importunity that then establish'd *Popery* by a Law, which had it been but then neglected, that new moulded *Mass* of Idolatry, standing upon its last Legs, had quite *languish'd*, dropt into the *Grave*, and been buried in the Ruins and Rubbish of its own Idol Houses they demolish'd: For in the latter end of his Reign, so enraged did

* 31. H. 8.

did he seem against some Persons of that Perswasion, that he acted, as if he would have executed their very Religion; * hanging up some *iCarthusians* even in their Habits, and immured nine Monks in their own Monastery, where they dyed.

*Vid. *Barnet's Abr.*

This was it that so settled what they call Superstitious Worship, that it survived the short liv'd Reign of the pious *Edward*, and in Spight of all his providential care for it's extirpation, run only like the *Guaronne* that Miracle of a River in one of their Climates of *Poper*y, (if their *Histories* of their Country be not *Legends* too,) only through a little *Province* in silent darkness underground, but rose again, and that with greater rage in the next *Region*: This good Kings Laws about Religion would never have been so soon repealed, the Commons House never have been so forward, as the * Divine Doctor, whom themselves have *thankt* for it, does make them, for the sending up a Bill for the punishing all such as would not return to the Sacraments after the old Service. Had the Six Articles been but *past by* instead of being *past* into an Act; they would

* *Barnet's Abridgm.*
Cl. 3. 223.

would have had no such Service to return to ; they would have been Strangers to *Rome* and it's Religion, and tho they were repealed in *Edward* the Sixth's time, his Fathers ratifying them made them take such *root*, that his short Reign could never *Eradicate* ; that left so many Catholicks in the Kingdom, that *Commendone* the Popes Legate, might well come over to reconcile her Highness's *Crown* to his Holyness's *See*. And here had not the Queen (if such a thing could have been expected from a Sister of that Church so Zealous) done much better, had she refused the Bills of *both* Houses, brought her for introducing the Pope's power and Supremacy? your selves, *Sedition* Souls! reproach this *Royal Assent* with Reflections, so scurrilous upon her Memory that the worst of Monarchs could never Merit, and then only give but Loyal Ones, leave to think that your *Excluding Bill*, tho never so much *the General Desires* might have been as much cursed by posterity, when it had entailed upon it *Misery* and *Blood*, the common Consequences of a debar'd Right.

To

To come now, after this *Ecclesiastical* point of the *Church*, to that *Civil* one of the *State*, that other thing this Lawyer Labors for, the Descent of the *Crown*; Shall the *Peoples general Desires* in this too terminate the Will of the *Prince*? why then that Monster of *Mankind* as well as *Monarchs* did mighty well too, to pass that Murdering * Bill presented by both Houses of Parliament, to make good his own *Title* to the *Crown*, by the Butchering of those *Babes* in the *Tower*; for no less could be expected, when it was once taken up by the Tyrant, than their Destruction for the *Maintaining* it; so that this *Peoples Desires* dispatch'd them in the *Senate* before ever they were strangled by *Tyrril* in the *Tower*: Had it not been a much greater Honor to the *Prince* to have refused such a Barbarous Bill, than turned *Usurper* and a Butcher for it's acceptance? Had it not left a less Blot in our *English Chronicle* as well as upon the *Nation* less Blood? || Did not both Houses exhibite a Bill even for the making *Elizabeth* the best of their *Queens* a *Bastard*. And does Mr. *Hunt* say this desire of the *People* too, did mighty well to prevail (as it always ought) upon the

*1 Rich. 3.

|| 28. H. C.
7. Rast. 4.

the King? Did not that Royal Assent so blacken his Person, and brought the Nations repute so low, that the very Protestant Princes left him out of their League, whom they had designed for its Head, and look'd upon our *England* as a lump of *Inconsistency*, whom such *Unanimous* Leaguers could not *Trust*? And was it not in his Reign, That a Zealous * *Papist* said, It was the Parliaments Power to make a King or deprive him? *a fortiori* then, a Popish Principle to destroy, or exclude his Successor.

* This was the Opinion of Sir Thomas Moor too, and the Brief History

might have cited this too, as he does another Opinion of this prevaricating *Papist* for his purpose.

† Vid. Brief History p. 18. *Burnets* Abridg. p. 313. || Page 50. Vid. Declaration of Lords and Commons about the Kings Coronation Oath Parl. 41.

But as *bold* as this Gentleman thinks himself, when he dares to say, *Never any King denyed to pass those Bills which the People pitcht upon to present*: 'Tis none of his own Politick asseveration, tho it be but a piece of Sedition: It is no more than what a *Seditious Senate* || told their King long ago; *A Senate* that sate brooding on the pure Elements of Treason, and of which *Pryn* himself was a principal Member; *A Senate* that sowed so much Sedition in one age, that all the Succeeding

ceeding will hardly eradicate. A Senate that fate drawing out the Scheams and Platforms of a Common-wealth. A Senate that assumed to themselves indeed the *Legislative* the Nomothetical Disposition of the Law, but they proved such a *Confounded* sort of Architects in the State, that they drew a perfect plan, a *confus'd* Ichonography for Rebels to build upon their *Babel*. Those told us in *plain* Terms what * these more cautious Coxcombs *insinuate* with a silly Circumlocution, *That the King is bound by His Coronation Oath to grant them all those Bills their Parliament shall prefer.* And that they gather from their contradictory conclusion, that bandy'd Banter they have Box'd about in both Reigns for almost these two Ages, the || *VULGUS ELEGERIT*. I am sorry to find these Seditious Souls not only to want *Sense*, but *Grammar Lilly* would have told them more of the Law, and his *Construion* and Concord, made a better *Resolution* than their *Coke* upon the *Case*. But as the *People* when they have got the *Power*, will soon decide on their side the *Supremacy*; so these *Times* did here assoon turn the *Tenses*, and transfer the *past* Laws into the
 E e Future :

* Hunt and
Pryn.

|| Concedas
justas legis
esse tenen-
das, &c.
Quas Vul-
gus elegerit.
Rot.
Parl. H. 4.

Future: and 'tis no wonder that those that *did* the *Statutes* of their *Prince*, could *dare* to break the *Head* of a *Priscian*. Is not the *perfect* Tense much more agreeable to Sense and Reason, here than the *Future*: The question is, Whether it shall be meant of those *Laws*, the People *shall* Chuse, or *have* Chosen? I won't object here Our Kings being absolute and compleat Monarchs without so much as taking such an Oath, without so much as being **Crowned*, which is the Time it is to be *taken*; tho of that the Law has in several Cases satisfied the most Seditious and so resolved their silly Suggestion, The resolution I shall give is the *Strength* of *Reason*, and that must at least be as *Strong* as the *Law*.

* Coke 7.
106. 11.
Calvin's
Case.
Watson &
Clarks 1.
Jae. Coke
7. fol. 30.

Let it be but once allow'd, That their King by this Clause is obliged to pass *all Bills* that shall be brought, why truly then he Swears with an *implicite* Faith, to Repeal *all* the *Laws* if the *People* please; for the bare possibility in such a sort of Argumentation may be supposed, and we as well imagine (for my Lord Coke tells us we have had || *Mad Parliaments*) such a Senate may prefer Bills for the Repealing *all* the *Old Laws*, as well as for the passing

|| Vid. 3.
Inst. his
Parliamentum
insanum.

passing any *single New* ; and I am sure 'tis no more than what has actually been done in * one, since that Learned Lawyer lived, even to the Subversion of || all the Statutes of the Land ; so that this positive Oath in their sense, may Labour under an *implicite* contradiction, for while he swears in the *latter* Clause, to confirm all the Bills they shall bring, It may be extended to cancel all Custom and Common-Law, he is in the *former* sworn to defend ; Mr. Hunt's *General Desire of the People* may be for the Repealing the 35th of *Edward*, as well as that of *Elizabeth* ; and leave no Law in the Land to punish *Treason*, as well as *Recusants*, only that they may commit it with impunity ; for *one* of those Bills has † *twice* been brought into the House, and both *may* be to save their *Bacon*. And should the King with their *Elegerit* be obliged (especially so *mild* an one) with an anticipated Mercy to Pardon Villains for the cutting of his Throat ; and leave no Law to punish perhaps a *Rumbold*, or the *Ruffians* at the *Rye* ; certainly were his *Right* not in the least *Divine* this would contradict all Sense and Reason : Suppose *Richard* the Second

* Car. 1.
An. Parl.
41.
Vid.
their 19.
propositi.
ons.

† Regn;
Car. 1.
Car. 2.

took this Oath as well as the rest of his Successors since, and afterwards the *general desire* of his Parliament, we all know, was that he would depose himself. Senseless Sots! was, that King sworn too even in his Coronation to confirm his own Deposition.

In short, must not this senseless Suggestion put upon the Royal Authority the greatest absurdity against all *Sense* and *Reason*, must it not make him swear to confirm those Laws that have not so much as B E I N G ; and that before he knows whether they will *be*, good or bad ; Is it not *Resolved* and that upon *Record* in the *King's Exchequer*, where the Words run with some Signification, *That the King keep the Laws and Customs*, which the Lords and Commons H A V E chosen, &c, But grant them their own *Sense* (that is) *Silliness*, That Oath, these Malignants of our *Monarchy* object was made first for an * absolute Usurper that came to the Crown by the Suffrages of such a Seditious Senate, not much Inferior in Villainy to the late *long* Parliament, that labored so much in this business of the *Legislative*, or rather less Villains only in *deposing* a King, whom the

* I. H. 4.

the latter *Murdered*, and why a *Lawful* King should be bound by that Oath, (did the Laws oblige him to take it,) which was first offered to an *Usurper*, I cannot apprehend? That *aspiring Prince* swore too in his Coronation, that he *held* his Crown by the Sole Consent of the *People*, shall our present Sovereign do the same, whom the * *Statutes* ac- * 1. Jacob. knowledge to *hold* from *none* but God?

But do not in that very Oath, the Words they so much labor in, confute them also (in my poor Reason) beyond reply; is not *Leges*, the Word *Laws* expressly used; that it is *Laws* that the King swears to Confirm, Corroborate, Maintain and Protect: And were the Commons ever allowed, or presumed without a Rebellion to *Elect LAWS*? There is not the least of a Bill mentioned in that Oath, and sure they'll offer to elect *no more*, and in Gods Name let them *chuse* to send up as many of *those* as they please. And sure then these *Leges* here must relate to those that are really so, and have had the Royal Sanction already, so that they must be reduced to this *Dilemma*, If

E e 3

they'll

they'll apply their *Vulgus elegerit* to the Lower House, 'tis certain they can make no *Laws*; if to that of the *Lords*, 'tis as certain they can't be called *Vulgus*. Lastly, Laborious Drudges of Sedition ! let but these *Laws* ye long to subvert while you'd seem to defend decide betwixt you and your King ; Is it not established by * Statute it self, that the King hath absolute power to *Dissent* to any Bill though agreed upon by both Houses.

* 2. H. 5.
1. Jacob. 1.
1. Car. 1.
c. 7.

But yet in spight of all this Reason and Law, they tell us that the King cannot deny to pass any Bills for the publick good, and which perhaps never can a good King ; for his Refusal of his Royal Sanction determines their *Goodness*, and they cease to be necessary when the King thinks there is no need of them ; for if upon this their presumptive *Goodness*, and the Prince as it is his undoubted Prerogative to do, denying his Assent, the People should presume they could with their *Legislative*, because their King is refractory, as they would call it, pass some Bills into Law from their Assurance of their being good ; that power wou'd enable them to make bad ones too, and al-

allow their two Houses to Judge when to make but *one Law*, they are as good Judges to make *one thousand*, or as many as they please, and no end of such a distracted Usurpation; and that we saw when they began with that Ordinance for the *Militia*, which was the first thing they presumed to make Law from their Kings (as their Seditious absurd Phraseology would word it) Refractory, refusing (*i. e.*) that courageously maintaining his just Right; when they had thus once broke the Damm, no wonder if the *deluge* of an absolute Rebellion *overwhelmed*; for upon the same ground the *Lords* might have *Excluded* both *King* and *Commons* for not concurring with them in what Bills and Acts they thought *good*, and the *Commons* (as * indeed they did) both *King* and *Lords*, for being obstinate to such *B I L L S* as themselves had offered.

* Vid. Hist.
Independ.
deny. pag.
115. 17.
March 48.
Scob. Coll.
pag. 7, 8.

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E e + selves

* Postscr.

page 8.

|| Plat.

page 109.

selves to Parliament ; for *this* the *Lawyer in his Postscript Labors with his *Innuendo's*: For this, || *Plato* tells us, the *Barons* did well to *put on their Armour*, that it is an *Omission* that ruins the very *Foundations* of Government; and *Hunt* will not have them so much as *discontinued*, for it renders such Conventions *illusory*. Seditious Sycophants! Your selves know this power of their *Discontinuance* and Dissolution, is the best security the *Crown* has for its support: Was it not miserably rent and torn from the Head, but of our own Sovereign's Father, and that only because he could *not Dissolve* them, but had in effect *signed* his Destiny with their Bill of Sitting during the *Pleasure* of the *two Houses*? Base Hypocrites! 'tis not a Parliaments *Sitting* you contend for, but the *Sitting* of such a Parliament, that good honest Parliament, the late *long* and *healing* one, which their virulent Villains Libelled for Popish *Pensionary*, perhaps because it would not take the *Peoples pay*, long enough might, that have been *discontinued* or *Prorogued*, wen ever heard *then* of the *Statutes* of *Edwards*, and the *Triennial Acts*, but their Pens were employed

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* Vide
Considerations up-
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took this Oath as well as the rest of his Successors since, and afterwards the *general desire* of his Parliament, we all know, was that he would depose himself. Senseless Sots! was, that King sworn too even in his Coronation to confirm his own Deposition.

In short, must not this senseless Suggestion put upon the Royal Authority the greatest absurdity against all *Sense* and *Reason*, must it not make him swear to confirm those Laws that have not so much as B E I N G; and that before he knows whether they will *be*, good or bad; Is it not *Resolved* and that upon *Record* in the *King's Exchequer*, where the Words run with some Signification, *That the King keep the Laws and Customs*, which the Lords and Commons H A V E chosen, &c, But grant them their own *Sense* (that is) *Silliness*, That Oath, these Malignants of our *Monarchy* object was made first for an * absolute Usurper that came to the Crown by the Suffrages of such a Seditious Senate, not much Inferior in Villainy to the late long Parliament, that labored so much in this business of the *Legislative*, or rather less Villains only in *deposing* a King, whom the

* I. H. 4.

the latter *Murdered*, and why a *Lawful* King should be bound by that Oath, (did the Laws oblige him to take it,) which was first offered to an *Usurper*, I cannot apprehend? That *aspiring Prince* swore too in his Coronation, that he *held* his Crown by the Sole Consent of the *People*, shall our present Sovereign do the same, whom the * *Statutes* ac- * 1. Jacob. knowledge to *hold* from *none* but God?

But do not in that very Oath, the Words they so much labor in, confute them also (in my poor Reason) beyond reply ; is not *Leges*, the Word *Laws* expressly used ; that it is *Laws* that the King swears to Confirm, Corroborate, Maintain and Protect : And were the Commons ever allowed, or presumed without a Rebellion to *Elect* *L A W S* ? There is not the least of a Bill mentioned in that Oath, and sure they'll offer to elect *no more*, and in Gods Name let them *chuse* to send up as many of *those* as they please. And sure then these *Leges* here must relate to those that are really so, and have had the Royal Sanction already, so that they must be reduced to this *Dilemma*, If

E e 3 they'll

they'll apply their *Vulgus elegerit* to the Lower House, 'tis certain they can make no *Laws*; if to that of the *Lords*, 'tis as certain they can't be called *Vulgus*. Lastly, Laborious Drudges of Sedition! let but these *Laws* ye long to subvert while you'd seem to defend decide betwixt you and your King; Is it not established by * Statute it self, that the King hath absolute power to *Dissent* to any Bill though agreed upon by both Houses.

* 2. H. 6.
1. Jacob. 1.
1. Car. 1.
c. 7.

But yet in spite of all this Reason and Law, they tell us that the King cannot deny to pass any Bills for the publick good, and which perhaps never can a good King; for his Refusal of his Royal Sanction determines their *Goodness*, and they cease to be *necessary* when the King thinks there is no *need* of them; for if upon this their *presumptive Goodness*, and the *Prince* as it is his undoubted Prerogative to do, denying his Assent, the *People* should *presume* they could with their *Legislative*, because their King is refractory, as they would call it, pass some Bills into Law from their Assurance of their being *good*; that power would enable them to make *bad* ones too, and al-

allow their two Houses to Judge when to make but *one Law*, they are as good Judges to make *one thousand*, or as many as they please, and no end of such a distracted Usurpation; and that we saw when they began with that Ordinance for the *Militia*, which was the first thing they presumed to make Law from their Kings (as their Seditious absurd Phraseology would word it) Refractory, refusing (*i. e.*) that courageously maintaining his just Right; when they had thus once broke the Damm, no wonder if the *deluge* of an absolute Rebellion *overwhelmed*; for upon the same ground the *Lords* might have *Excluded* both *King* and *Commons* for not concurring with them in what Bills and Acts they thought *good*, and the *Commons* (as * indeed they did) both *King* and *Lords*, for being obstinate to such *B I L L S* as themselves had offered.

* Vid. Hist.
Independen-
deny. pag.
115. 17.
March 48.
Scob. Coll.
pag. 7, 8.

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* Vide
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ver. The
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|| 35. Ed.
3.

fit, they are Rebels by a || Law if they convene without; they must meet and Associate, and the Kings happiness consists in his being able to Dissolve and Discontinue. And this furious, and indefatigable Scribler might have omitted the mentioning of those † Statutes they have beaten so bare, been baffled in so much, and may now blush to bring upon the Stage; but he shall have his answer here to this too, That nothing of Mr. Hunt's like his managed Mungrel, * Julian, may be call'd Unanswerable.

† 4. Ed. 3.
c. 14.

* Vid.
Courantier
4. Volum.
Numb. 30.

|| 4. Ed. 3.
c. 3. 14.

For the First; it is the 4th of this || Edward. And I confess in as few words: That a Parliament be holden once every year, and more often if NEED BE. It is all the Letter of the Law and every Line of it: But they might as well tell us too; that before the Conquest, and for some time after Parliaments were held three times in one year. They had then their Easter Parliaments, their Whitsunday Parliaments, their Christmas Parliaments; but they know then that they were but so many Conventions of that Nobility and Clergy their King should please to call; And which they did Arbitrary at their Will more frequently or less,

less, as they thought convenient, and the
 † Books tell us, they many times were
 held but twice a year: now if these Gen-
 tlemen will tell us so much of old *Statute*
Laws, why should not *Custom* which is
 Resolved by the very Books to be the
 * *Common*, decide the case too for the
King as well as the other, which is their
own, must for the *People*; and then we
 find Our Kings had the sole power of
 Convening Parliaments by a long pre-
 scription; of whom, where, and as often
 as they pleased. Are not all our Judi-
 cial Records, Acts of Parliament, Re-
 solved to be but so many Declarations
 of the Common Law, and that by *all*
 our Lawyers; even concerning the *Roy-
 al Government*, which they make the ve-
 ry Fundamental Law of the Land; and
 tell us || That by Common Law is under-
 stood such things as were Law before a-
 ny Statute by general and particular
 Customs and Maxims of the Realm:
 Now if Statute must be but Declarato-
 ry of these Customs of the Kingdom
 how can it be concluded, but that such
 Acts as directly contradict any of them
 must be absolutely void; for by the
same Reason, that they can with a *Be it*
enacted

† Mirror
 C. 1. Lib.

* Le com-
 mon Ley
 est com-
 mon Usage
 Plowdens
 Com. 193.

|| Dr. and
 Stud. 2. c.
 2. lib.

* 2d part.
Inst. 496.
tells us so
in termi-
nis. By the
Common
Law it is
the Kings
Preroga-
tive, quod
nullum
Tempus
occurret
L. Coke
Lit. p. 344.
|| Stanfor.
l. 2. 101.

* Speed
645.
Inst. 27.
2.
† 2. Ed. 3.
c. 2. of
King's not
pardoning
Felons so
Alfo 4. Ed.
3. c. 13.
The Con-
firmation
of that o-
ther.

enacted void any part of it, they may the whole : With the same Reason that they can invade any part of the Prerogative of their Prince, (which the * Book tells us is the principal part of the Common Law) they may abolish the whole ; make *Killing no Murder*, and except Persons from the Punishment of Treason : Does not this Common Law it self void any Statutes, that are made against the Prerogative of their King ? Was it not in this very || *Edward the 3ds.* time, that it was so Resolved, even to the nulling three several Acts, that put Pardons out of the Princes power ? The boldest of these Anti-monarchical Zealots cannot deny but that by the Common Customs of the Realm, it always was Our Kings undoubted Prerogative, to call and dissolve their Parliament when they pleased : Chronicle confirms it, * Law Resolves it, & may practice for ever maintain it. Now I cannot see why these Statutes that contradict the Customs of the Realm in determining their King to call Parliaments, which the Common Law hath left at his Liberty, should not be as much void as † others that upon the like Reasons have been Resolved so.

And

And if the *Common Law* can avoid any particular *Act* of Parliament against the Prerogative of the Prince, as we see it did more than *one* (If *Stanford's* Authority be Law) then the Conclusion is unavoidable, That for the same Reason it can *any* or *all*.

And in my poor apprehension, that Act it self of the late Kings, which reasonably repeals that of his * Martyred Fathers, that Act with which these reproachful fellows upbraided in their prints their deceased King, is so far from countenancing *their* clamorous Cause, that it corroborates and confirms our *own* Case, for it tells us the very Reason of repealing those Statutes : *To prevent intermission of Parliaments*. And what is that? but what we say the Common Law would of it self void || *an Act (as they say) in derogation of his Majestys just Rights and Prerogative inherent in the Imperial Crown of this Realm, for the Calling and Assembling of Parliaments* : Nay they tell us besides of *Mischiefs* and *Inconveniences* (the two main matters the Law labours to avoid) *might be the Result of such an Act*, and endanger the safety even of King and Subject. And what pray
now

* 16. Cap.
2. c. 1.
that re-
peals
16. Car. 1.
c. 1.

|| Vid. Pre-
amble to
16. Car. 2.
c. 1.

|| Vid. Seasonable
Question
and an
useful Answer,
Printed about 77.
by a Bench-
er of the
Temple.

*16. Car. 2.

now was this Statute of *Charles* the First, but what some even of these || Factious Fellows themselves confess, only a Reinforcement of the two *Edwards*: If it were no more, by the same Reason they are gone too, as being against the *King's Prerogative*, and in *Derogation* of his Right. But Factious Fools! that baffle *themselves* before they can be confuted by *others*, the Statute they repealed, did reinforce indeed those of *Edward*; but it was with a Witness even as they * resolved it, with an invading the *Rights* of the *King*, and endangering the *Ruin* of the *People*; but still 'tis true in that latter clause of their repealing Act they prevail upon their King to grant them a *Triennial* one; how far obliging I leave their Oracles of the Law to Judge: For if our Kings have had it by their prerogative *indefinitely* to call Parliaments by *Custom* or *Common Law*; 'tis as much against *both* for him to be obliged to convene them in *three year*, as *two*, *one*, or without *Intermission*: And I cannot see, how the last *enacting Clause* is consonant to the *Repealing Preamble* which is so mighty for the Preservation of the Prerogative; and

and we well know under what Circumstances of State, Affairs then stood : the *People* could not have more than so good, so gracious a *King*, was even in *Policy* ready to *grant* ; it was within a year or two of his being placed upon the Throne of his Father ; And a Turbulent Faction as furious again to pull him *out* ; A Seditious * *Sect* had but just then alarm'd him, that were *setting* up their *Christ's Kingdom* before his *own* was hardly *settled* ; Sots, that thought their Saviour (the great pattern of a *Passive Obedience*) could be pleased with the Sacrifice of *Fools* and *Rebels*, and an *active* Resistance unto *Blood*, that has commanded us even to *suffer* unto it, and even in the *same* Season and Session as damnable a * *Conspiracy* detected as this Hellish one, so lately discovered, Arms seiz'd, the Tower to be taken, and an Insurrection contrived, the parting at such a juncture with his Prerogative might be the product of his desire to please the People ; 'tis too much to take the forfeiture in his own *wrong*, when in this very particular the same Law provides so much for the Prince's *Right*.

* *Venner*
and his
Fifth Monarchy
Men.

* Vid.
Brief Narrative of
the Tryal
of *Tongue*,
Stubs, &c.
Lon. 1661.

But

* 1. Jacob.
Term. Hill.
Colc 1. 7.

* 16. Car. 2.

But they'll *tell us*, the King by his passing such a Bill, has *parted* with his Power and Prerogative ; But then do not the *Laws tell us*, it cannot be *past away* ? Was it not resolved by all the Judges, but * in his Grandfathers time, That *himself* could not grant away the Power of Dispensing with the Forfeitures upon Penal Statutes, and why ? because annext to his *Royal Person*, and the *Right of his Sovereignty*. And shall it not be so much our Sovereign's Right, which common Custom ; the Fundamental Law of all the Land has invested him with, (the convening of Parliaments at his pleasure ?) But for my part, for my Life I cannot apprehend, (did there lie such a great Obligation upon * his Majesty, from this his *own* very *voidable* if not *void* Act) how 'tis possible to bring him at the same time within the Letter of the Laws of *Edward*, and by them lay a necessity upon him to make all their latter Act an entire Impertinence : For if by those Laws he be obliged to *Call* a Parliament at least *every* Year ; What signifies the latter that allows him *three* Years for their *Calling* ? And if he has *three* years for

for their *Calling*, where can lye the necessity for his *Calling* them in *one*, for a * *Subsequent* Stat. that gives such a *larger* extent of Time, tho it do not actually repeal those *Preceding* that allow *less*, yet it must at *least* render them *Illusory*, and Vain : And to tell us that the *latter* is but declaratory of the *former* Act, when it contradicts the very Letter of that Law, is as absurd as maintaining an *Affirmative* may be confirmed with an absolute *Negative*: By all the Rules of Reason, I have met with yet (and *Logick* is allowed sure to hold good even in *Law*, unless the *Legislators* set up for Brutes and Irrationals) A Proposition of a *larger* extent must *include* that of a *less* ; which if it does is in this Case *Exclusive* : For should this Authority, suppose (to bring the Argument home to their Doors, and then they can't say it is far fetcht) of the House of Commons, command me to dance Attendance at their Bar *de Die in Diem* for abhorring or so, and then with a *subsequent* Order only demand it *every third* : For my part I cannot apprehend the Ob-

F f ligation

* Cook himself says, it is a Maxim in the Law of *Parliament*, that later Laws Abrogate the former that are contrary to them. 4. Inst C. 1. pag. 43.

ligation there lyes upon me for the performing *both*, but that the *former* stands still a Cypher in their Journal, and by the *latter* is suspended, I could assoon resolve in the Crazyness of the *Natural Body*, when 'tis batter'd with an Ague, that a *Quotidian* and a *Tertian* can at the same time assault it together. But Mr. *Hunt's* Illustrations lying in *another Science, Number*, and the *Mathematicks*; he may demonstrate this too, * with his *Unite* and *Triad*, and tell us *One* and *Two* make *Three*.

* *Hunt*
postscript
pag. 46.
48, 49.

But to be serious, and that in a matter that so much concerns the Sovereign, (tho there be no better way of baffling *Buffoons*; and Arguments of Fools must be answered, but with Folly; tho some may think there may be somewhat of sound Reason in such pleasant Similes, for *Sense* and *Nonsense*, are become Terms now but merely Relative; and every Author an *Ass*, or an Animal of *Reason*, as his Reader stands affected, we being become parties in that too, as well as in Principles,) if we would truly know the Sense of a Law; it must be collected from an Historical

historical Account of that time wherein

it was enacted, and I think my Lord Cook || tell's us as much too, And then turn but to the story of the Times, and see there the Reasons of *such* Provisions, and when those fail, then must sure the force of such *Proviso's* too; for certainly the fourth of this *Edward*, was made more for this

|| Cardinal of *Winchesters* Cafe, who came from *Flahders* to purge himself before Parliament, of Treason, as only the Roll of *Henry the Sixth* says, but Consult the History, it appears he had some of the King's Jewes gaged to him, which the King stopt from going after him, &c. 4. Inst. 7. p. 42.

King's Satisfaction, than the desires of the *People*, and that from the sequel you'll see, they were not then clamoring for frequency of Parliaments, when they were to *pay* for it too, and have their *Treasure* exhausted with their *Blood* in frequent Wars. He had drawn the *Scots* upon his *back*, who in the War like their Old Parents the *Picts*, were always ready to invade us at *home*, when ever we attempted any thing *abroad*. He had *before* him *France* in the *Front*, to whom he was ready to give Battle: And he perhaps presuming his Subjects might be loth to be convened for subsidies so often, as such Exigencies must require, might prudently get them

to oblige him for such an Annual Convention, which they must the better bear with, when the result of their *own Act*, and none of the stretch of *his Prerogative*: 'Tis true the 36. of his *Reign* is more expressive of the Reasons, for which they should be called (*i.e.*) for the redressing of *Mischiefs* and *Grievances*; but 'tis evident that piece of popularity was more for the tickling their *Hearts* and then they might be soon brought to *turn* out their *Purses*; and those he wanted then too, tho in peace, having begun to beautifie and enlarge his *Castle of Windsor*, his *best Delight*, as well as the place of his *Birth*. And his soothed Subjects seconded it with such singular kindness, that about *that time* such a three years subsidy was granted as they resolved should be no president for the ** time to come*; and these Suggestions I submit to the light of any others Reason, for the Politicks of that Old State can't be expected to be *clear* in History, since even in Matters of Fact, in many things 'tis *dark*. And such sort of Suggestions seem to sound and salve the *Case* much *better* than that forced Solution upon the very Letter of the Law,

* 36. Ed.
3. cap. 11.

Law, *their if need be, or if there be Occasion*: For I am satisfied the *Design* of those Statutes was to determine their King, tho I doubt of their *Force*, and that those Conditional Expressions must be Relative to their Antecedent Words, *more or oftner*; and so must be meant only of their being called *inclusively* more frequently *within* the Term.

To leave now this *learned* Lunatick, this *distemper'd* Body of *Law*, and consider him under another Denomination that of a *Divine*, and zealously discussing with a Rage unbecoming the calmness he *professes* as well as the Character of such a *Profession*, the *Damnable* Doctrine (as he would plainly prove it,) of the King's *Divine Right*: for he makes it the most * *Mischievous* Opinion, the most *Schismatical*, the *Destroyer* of every *Man's Right*, the *Betrayer* of the Government, *Monstrous*, *Extravagant*, *Papal* Opinion, *Treacherous*, *Impious*, *Sacrilegious*, *Destruative* of *Peace*, *Pregnant* with *Wars*, produced our *own* *Civil* one, and what is worse *Plague* and *Famine*, and a *Crucifying* of *Christ* afresh.

* Page 60.

69, 70, 86.

87, 88, 89.

A *Black* charge indeed for a poor Criminal, that at first sight seems so *Innocent*. He should have made it a *Trojan Horse* too for once, for he has made the Belly of it big enough to hold an *Army* of *Men*, or a *Legion* of *Devils*. If this be the *Judges* manner of *Trying* his *King's* Right, he would have made a worse *Chief Justice* for deciding the *Subjects*. I have heard of some such *Sycophants* that have prov'd *Wolves* in *Sheeps* cloathing; but here the *Cauti- onary* Text is turned insideout, too; and somewhat of the *Lamb* dress'd all in the grisly Garment of the *Wolf*: And 'tis like they had their *Dogs* ready to worry it too, before they would discover the cheat. I am sure if they won't allow this *Doctrine* to be *Religious* 'tis so far from being *Romish*, that those *raging* *Zealots* are at present in a *Conspiracy* with the *rankest* *Papist* for the extirpation of that opinion; as well as the *Church*, and that is pretty well prov'd from their unanimous pens in the beginning of this piece, and sure they must think those *Bigots* are as much concerned for the *Popes* *Supremacy* as *Mr. Hunt* for the *Peoples*; for His Holiness has the help of
Saint

Saint Peter to prove his *Divine Right* from his *Person*, tho he can't from His

* *Text*. When whatever *they* would gather from that Apostle, the Lawyers *Popelings* have nothing left to shew for *theirs*, unless the very Charter and grant

* His 'Aγ-
σπασιν
Κτίσις,
Pet. 2. 13.

of their *King*: yet tho this Doctrine be as far from *Rome*, as they think the *Romanist* from *Heaven*, tho their Writers with *Hunts* own Brutish Rage have run it down, tho it be so directly destructive of the *Papal* power, still has this preposterous piece of paradox, made it *Popish*; and treated it almost in the same Language, the † Pious prelate did their *Idol* Church, and || all the dangerous Dissenters do our *own*; Wolves, Thieves Enemies of Christ, Brood of Antichrist, *Babylonish* Beast, Devilish Drab, sink of *Sodom*, Seat of Satan.

† Fox Vol.
3. P. 515.
|| Vid. Dissenters
sayings.

It is a pretty way of Confutation indeed in the very beginning of an *Argument* to *beg* the Question. He takes it for granted from the Text of Saint Peter, that Kings are but an *Ordinance of man*, and then stoutly concludes that it is impossible, that any that is of *Man's* appointment can ever be of *God's Ordination*; to be presumptively baffled re-

commend me to such a disputant : And with that supposititious Triumph does (as some think) a Jesuit's Book, *de Jure Magistratum* enter the List, full of *Victory* even before the *Battle* ; and this perverted Text in one of his Editions is turned into the *Laurel and Lemma*, to Crown the *Forehead* of that *Impudent* piece. *This* is made the *Goliath* of those *Philistines* who not with their *bulk* alone, but with the very *Letter* of the *Bible* and the *Book of Life*, can defie the *Living God*, for such a *Construction* upon *Saint Peter* by common sense can never be put ; for place this power of *Ordaining Kings* once in the *Power of SUBJECTS*, and all the *World* can never hinder them from being too the *SUPREAM FOWER*. Was not this very Text, actually turn'd up for the *Supream Authority of the Parliament of England* ? And was that too, meant by *St. Peter*, when in the very next *Line*, he calls the *King Supream* ? Seditious Dolts ! do not make the *Bible* contradict it self, tho your *Books* do, does not this *very* Text take almost an expressive care to prevent even with providence such a silly construction, and give a *Signal Signification*

on where this *Supremacy* resides, viz. in the *King*. But to give these well read Rebelstope enough, and let them stretch their *Treasonable Positions* as they ought their *Necks*, I'll plead for them, and in that which can be their *only Reply*, viz. That this *Supremacy* must be understood, only to be in *these Kings* after they are so chosen by the *People*: But no, their *own Text* won't allow that neither; for in the very next Verse it tells us also of such persons as are Commission'd, sent under him, (as *ours* has it) *Governors*, and some *other Versions*, *Captains*, *Judges*, and sure had *theirs* been the *Apostles* sence too, He would have more expressly let us know, That *Kings* were first Commissionated and sent by the *People*, before that they could send out the *Peoples Governors*, and if we can Credit some of these Gentlemens *own Writings*, Their *KINGS* and this *Apostles* are not all of a piece, and so their *Principles* and the Text wont hang well together, for their *Kings*, which they'll have to be of *Man's Ordination*, cannot send *Governors* under them, but as * *Pryn* positively tells us, that *People* that *Elect their King*, must chuse also the *Judges* and *Officers*, if

*Pryn's Par-
liament
Right to
elect Offi-
cers.*

Plato p.

the 239.

the Kings have had such a choice 'tis but by the Peoples permission, that such Officers, are the Peoples. And that his Brother Bodin (you must know a great politician) says ; That the sending them is not the Right of the Sovereign, but in the Subject : So that those Kings, whose Divine Right they deny, must needs be of another kind, than those mentioned in Saint Peter, for he makes his Kings so Supream, that they send Governors themselves, and that for the punishment of such Evil doers.

But to come homer to Mr. *Hunt*, that I know values himself upon his *much* Law and his mighty Learning, his Remarks upon his *Ἀνθρωπινὴ κρίσις* will tell us he understood as *much* Greek as that came to, when he was at School. Yet betrays his *little* understanding of the *Greek Fathers*, his very *Schrevelius* would have shown that *Κρίσις* might be taken for *Creature* as well as *Creation*, but his *Scapula* ; that more especially it is to be taken so in the * Epistles.

* Galat. 6.
verf. 15.

And this has been the Resolution of one of the *first* Reformers of our Religion, (And I hope sure they'll favour him) That the *general* signification of this word
in

in *Scriptural* Expression is taken for *all Mankind*, and I have another, the principal Reformer by me; the Bible in Columns with one Greek, two Latin Versions and one *Dutch*, which I take to be the Labours of the Learned *Luther*, where one of the Latin Translations of this *very* Text of *Peter* is expressly *Omni Creaturae*, And that other *Humana Ordinationi*, is mark't with a reference to the Marginal Annotation which is *Omnibus filiis Hominis*. And yet all this while we shan't make *Nonsense* of the Text as well as they put upon it *contradiction* and the greater absurdity; for such *Scriptural Figuratives* are frequent, where *Universal expressions* are only applicable to some *particular* things they would *express*; so that when he tells us, Be *Subject* to *all mankind* or to *all the Sons of Men*, is easily understood *all* those of them to whom we owe *Subjection*, and, as if the good Apostle, whom these miscreants would so much abuse, did design to prevent such an imputation, and even dissipate the Difficulty and doubt together; even he explicates that *General* Expression of that *one* Text, by telling us *particularly* to whom our *Submission* is

to

Pro humano genere. *Beza* upon that very place.

* Verse
24.

to be paid both in that and the * *other*
viz. *Kings* as *Supream* and their *Gover-*
nors as *sent*.

V. 17.

And Lastly can any Soul that has but
Common Sense, fancy from the compli-
cated consideration of that part of the
Apostle's that thus pressingly inculcates
Obedience to *Governors*, that it did design
the least room for *such* a Latitude, that
not only would leave them Indifferent
to *obey*, but *such* an one as *they* have made
of it since; even an encouragement to
Rebel, sure that submissive Preacher of
the *Cross*, so much his Saviours Disciple
that he suffer'd on one too, and that
without *resistance* to a persecuting power;
that great Assertor of his Sovereign's
Supremacy, that in the very next Lines,
next to *fearing* his *God*, commands *Ho-*
noring his *King*, (as if he would express
somewhat of that *Divinity* they deny,
with the *closeness* of the *Connexion*) sure
that most *Primitive* Pattern of *Obedience*,
did not pen his Epistles to teach a *Julian*
the Doctrine of *Resistance*, or an *Hunt*
his *Associate* to debase the *Divine Right*,
the *Throne* of his *King* to the very *dung-*
hill of the *People*.

And

And were this Doctrine not to be countenanced by the *Word* of *G O D*, (we have only *Mr. Hunt's Word* for it, that it is so *dangerous*) the only danger such Seditious Souls can see in it, is, That it would oblige them to be *truly Loyal*, and dread *Rebellion*, like the Sin of *Witchcraft*. And is it *dangerous* now to be kept from being *damn'd*, or running to the *Devil*? Where is this mighty * *Mischief* ^{60.} *that will ensue upon this Opinion*? But a Veneration for our Governors next to God, by whom they Rule, will not his having his *Right* from *above*, the sooner preserve him from sustaining any *wrong below*? are things the sooner to be *violated*, only because they are the *more sacred*? and will the Light of this *illuminated Lawyer*, resolve us *Sacrilege* to be a *lesser Sin* than *single Felony*? Had those Sects of Seditious Rebels that ruined the best of Kings, and that only by *debasing* this his *Right*, and setting up their *own* for *Divine*? Had they, or could they have been so *sacrilegiously* wicked under a *Presumption*, That his Person was *sacred*, or even a *belief* of their *Bibles*, that their *Lord's Anointed*, was not to be *Touch'd*? yes, they could,
(and

* Hunt p.
85.

(and if we believe this Impudent * Imposture) it was *that* only, which made them so, And if such Opinions had never been broacht, the War had never ensued. Mighty Madman! whom discontent distracts, I can Fathom his *Foolish Innuendo's* to be as false, Divines did, and as I think was then their *Duty*, preach up this *Doctrine*; but did not the two Houses threaten Destruction long before a *Manwaring*, or a *Sibthorp* was so much as censured? Had not *Leighton Libell'd* both King and Bishops long before? And did the telling the People, they were *Jure Divino*, exasperate them the more against the Prelates, and the pious Prince that governed, whom these *Devils* must needs deal withal the worse, only from their being told their Governors were sent them from their God?

* Actually done too in Westminster-Hall by the instigation of Hugh Peters. Vid. Dugdales view p. 370.

Mr. Hunt certainly *himself* can't imagine it, he has too great a Veneration for the Religious Dust, the pious Memory of those *Rebels* and *Regicid's*, to think they were arrived to that Acme of *Transcendent Atheism*, to * spit in the very Face of the *Almighty's* Image, only because it represented a thing so *Sacred*: No, it was of *that* they could never be satisfied, they were

were Religiously taught the *Jus Divinum* of the *People*, (that is) to Rebel most Religiously.

Tell me Mighty Murmerer! why must this Bugbear of *Arbitrary*, this Monster of *Absoluteness*, and * *Bloody War*, be the Consequences of this Doctrine of Peace? Is your King bound to turn Cruel, only because he Rules by a Right from the very God of Mercy, and a King too, *de facto*, not long since almost merciful to a Crime: If you talk only in *Theory* of what another may be, then perhaps your *Fears* are as *Panick* as the Objection is nothing to the purpose: For Usurpers commonly of the *People's* Choice, (as appears even in our || own || H. 4. R. History) have *always* been the greatest ^{3.} Tyrants too, who were so far from having the *Jus Divinum*, that they had *no Right* at all: And tho * *Sidney* suggests this Doctrine, would attribute to any sort of Usurper the same Right, I shall consider him in his proper place, and this may suffice for Mr. *Hunt*, whose larger Comment upon this Text, I shall enlarge upon too, when I come to that Gentleman's Papers, with whom they so much agree, and 'tis pity but his
Fate

* Post. p. 88.

* Vid. Paper at his Execution.

* Verse
15.

Fate should do so too: It may suffice I have here attempted his *Bulwark*, and upon which they would build their *Babel*, tho in the Burlesque of the best of *Books*, (as if neither the *Bible* had its *Jus Divinum*) and will close with him since he is so pleased with *St. Peter*, with a * Neighbouring Text, not so much *turned*, and *misapplied*. Mr. *Hunt* has done his *worst*, and I hope we *with well doing*, may put to silence the Ignorance of such Foolish Men.

The third *Doctrinal* Case of this *Divine* Lawyer, or what is drawn from the other two, is the *Parliament's Power upon the Succession*; and that he has proved he presumes beyond Answer and Reply, when the two Preliminary points, The *Parliament's Legislative*, and The *Peoples Divinity* by his mighty Performances are made unquestionable: But when he has begged the other two he may expect to have this *third* for asking; and the first Presumption, that must so posterously warrant even that most *Unwarrantable Proceeding*, is the *Gorgon* of the Party, that for this forty year has frightened the Nation, The fear of *Popery*: And like that Monstrous Head of *Medusa*

Medusa been represented *gastly*, full of *Venom* and *Viper* (only not to charm us into *Stones* and *Stupidity*) but the setting all in *Combustion* and a *Flame*. Therefore he tells us if this can be but kept *out*, (which the Lord knows has been I don't know how long coming *in*.) We ought Page 50. to admit of *any* Law for the purpose.

And have we not Laws sufficient in force, and that for the keeping out all the powers of the Pope, tho His Pilgrims landed here with a Legion? Have we not *Oaths*, *Tests*, two several *Acts* of Parliaments against *Priest*, *profelytes* and *Recusants*? Have we not the best *Bulwark* the *Bishops* and the greatest assurance, the word of a King? But in short; the danger was then a *Successor*, and nothing could serve less than a *new Law*: And what was that? why, for *Excluding* an *Heir* to a Crown for *Fifteen Hundred* years *Hereditary*.

That Parliaments have presumed to alter the *discent* of the *Crown*, is as true as that the *same* Convention of States have Rebel'd against the *Crown* it self: And scarce one Instant of the Presidents he has giv'n us, but serve to prove *my* purpose as well as his *own*, that they either actually Rebel'd when they medled with the *Succession*, or else that it

G g

was

was for settling it on the *Right Heirs* after such a *Rebellion*.

* Post-script p. 52. all the following Cases most absurdly apply'd, and all make against his own Cause.

It was * *Richard* the Second's ; that was a *Parliament* indeed, that did more than meddle with the *Succession* when they actually *deposed* their *Sovereign*.

|| 7. H. 4. c. 2. *Hen. 4th* entails declar'd void viz. upon the Claim of *Richard Duke of York*. That of || *Henry* the Fourth, so far from a *Parliament* that they had no *King*. And that was told them to their faces by the *Loyal Prelate* of † *Carlisse*.
† Vid. B. *Carlisses* Speech, H. 4. in *Baker and Trussel*, H. 4th *Deposers*, Traytors within 25 *Coke* Treason.

Henry the Sixth, the Successor of one that had no *Right*, and to whose Heir then they could never do any *wrong*.

* Vid. I. Ed. 4. Rot. par. 9. 10, 11, 12. *Edward* the * Fourth was for securing the Descent in the *Right Line*, and declaring all that of the *Lancasters Rebels* ; and that in spite of all those *Entails* this Lawyer lies his mighty stress upon, and which even in his *Fathers* claim, (tho he never lived to enjoy the benefit of his *Right*,) The || *Parliament* of the Usurper himself did with blushes and shame acknowledge, That his *Title* could not be *defeated* ; that those *Entails* were only

|| Vid. Rot. par. 39. H. 6. n. 11.

only made for want of a *better Title*, and very fairly made their *Usurper* a *enant* for *Life*, and that to an *Excluded Duke of York*, and further did they force their *Loyalty* when his Son, their *Lawful Sovereign* came to the *Crown*, they tell him in the first of his *Reign* as appears in the * *Roll* : That this *Henry the Fourth* upon whom *Mr. Hunt* triumphs that an *Entail* was made, was an *Usurper* *Traitor* and *Murderer* of his *Sovereign*.

* 1. Ed. 4.
Rot. ut supra.

And for his next Instance of *Richard the Third*, would any one besides a *Butcher* and as *Barbarous* a *Beast* as the *Precedent* he brings; tell us of an *Entail* they made upon his *Heirs*, which was only a *Settlement of Blood* so much and *Treason* upon them and their *posterity*. Bless me! that men of *Sense* should be so *inconsiderately* besotted; so *Foolishly* wicked: sure *Mr. Hunt* knows that that *Bloody Senate* could never have *boggled* to settle a *Crown* upon the *posterity* of a *Tyrant* that they *themselves* had advanced to the *Throne* in the *Blood* of his *Nephews*.

Rich. the 3d and depose of Ed. 5. Traitors by Law within Stat. 25. Ed 3d Inst. c. 1. Treason.

They might well settle the *Crown* on *Henry the Seventh*, that came to it by three several pleas, *Blood*, *Arms*, and the *Law*, and is the *Settling* it upon a

Lawful Sovereign a President for *Excluding* another against *All Law*, and those *Entailments* were but so many *Recognitions*, *Officious*, affirmatory *Kindnelles* to the Crown whereas their *Exclusion* must have been an *Invading* it.

His Acts of Henry the Eighth, were such as *all* the World *blush* at, and *any English-man* may be *ashamed* to own, *Inconsistent*, contradictory, *Fruitless*, and *illusory*, that made *Protestants* desert us, that designed us for their Leaders in a League; the *shame* of Europe and the *Opprobrium* of our Nation. Did not his 25th on default of Male? *Entail* the Crown on the Lady *Elizabeth*, and made *Mary* *Spurious*? Did not his 28th make the same Lady, the Protestant Princess *Illegitimate*, on whom it was *Entailed* before, and with his 35th. reinstated them *both* again, and that *both* in *Birth* and *Tail*?

And lastly, that of Queen *Mary's Entail*, was by a biggoted House of Commons, that brought in that very Popery they now so much, and so vainly fear; and were like to have *Entailed* their Religion and *Laws* to the *Vassalage* of Rome, as well as the *Crown* to the *Heirs* of Spain.
And

And is this thy *Loyalty*, (Seditious Syco-phant!) this thy *Religion*? to bring us presidents for *Rebellion* from Acts of *Parliament*, and the *Statutes of Apostates*, for the Establishing *Popery*.

The || 13. of *Elizabeth* is such an one || 13. *Eliz.*
 too, as none but a † Defier of Sense could † *Hunt's*
 have design'd for Application. It is ap- *Postscript*
 parent that it was a *Design* to *Secure* the *page 51.*
 Crown to Her the Right Heir; and that
 tho by an *Indirect* means. An Act which
 she doubted her self whether with all
 her Parliament she could *pass*, but was
 assured all her Subjects would like it when
 it was; done upon a double Design to
 Secure her Title against the *Pope* and the
 Pretensions of the *Queen of Scots*, * *Camb-* * *Cambd.*
den the best Account of her Life, makes *vit. Eliz.*
 it a Trick of *Leicester's*, || but let them || Besides
Lye for it for once, and *raze* the Sacred had he
Truth of History, and *Record*, (which Consulted
 the Law makes *Felony*;) even in their other
own sense, it was enacted for *securing* a Books be-
 Lineal Descent to those that they *thought* fore he
 the Right Heir. But theirs would have writ his
 been a Disinheriting of one they *knew* to own, by
 be so. appears by
Keeble
Stat. that
very Act

is expir'd, of no Force; and so he has made himself a Knave in Fact,
 as well as Fool in Application.

G g 3

It

* Postscript p.
71, 72.

It is Prodigiously strange to me that those that contend so much for this Parliamentary Power over the Succession of the Crown, that this Judge Advocate for the Parliament, * Hunt himself, that tells us plainly 'tis not establish'd by any *Divine Right*, but is governed according to the presumed *Will* of the *People*, that these Sycophants do not consider they do the greatest Disservice to that Honorable Assembly, put the greatest abuse upon that Ancient and truly venerable Constitution, they give the *Lye* to several Acts of Parliament made in the *best* of times, and make those *Legislators* the *worst* of Villains, or the greatest Fools; or in his own phraseology *Wicked, Impious, Sacrilegious*, for have not they in several Reigns by *Special Act* recognized even a *Divine Right* as well as an *Hereditary*? In the first of || *Edward* did they not declare that their Sovereigns Title to the Crown was by *Gods Law*, and the *Law* of *Nature*? Did they not even to a Tyrant, a Murderer, one fit only to be the *Peoples Creature*, whom no *Nature* or *God* did design for the Throne? Did they not resolve his Right to be both by *God* and

|| 1. Ed. 4.
Rot. p. n.
9, 10, &c.

and Nature? || Tell me was it thought so *Divine* so natural so Sacred, THEN, even in the worst of Men, and must it be *impious*, *Sacrilegious* in the best of Princes? Did not their best of * Queens, receive her Crown with a Recognition of it's Descent to be by the *Laws of God*? And lastly look upon that of King † James, where with *unspeakable* Joy they acknowledge he Reign'd by the *Laws of God*. And as * new as he calls the Doctrine, for five hundred year ago both by Divines and Lawyers it was allowed of and maintained. || *Gervase* the Monk tells us, it is *manifest* the *Kings of England*, are obliged to none but GOD, and † *Bracton* that lived and wrote in the same Reign of *Henry* tells us, their King was then only *under God*; and will neither Law nor Gospel, *History Ancient and Modern*, *Rolls*, *Acts* and Acknowledgements of *Parliaments* themselves satisfy them, that they have nothing to do with the * SUCCESSION?

|| Exact
Abridg.
fol. 713.
Rot. R. 3.

* 1. Eliz.
c. 3.

† 1. Jac.
c. 1.

* Postl. p.
87.

|| *Gervasius*
Doro-
ber-
ben-
sis
Coll.

133. 30.

† *Bracton*

l. 4. c. 24.

Sect. 5.

* Dr. Bur-
net tells us
H. 8. de-

clared upon a dispute about Ecclesiastical Immunity very warmly, that by the Ordinance of God, he was King, Hist. Reform. l. 1. pt. 1. fol. 17. Either the Dr. lyes, or *Harry* the 8th, or this Doctrine is not so new, but 200. year old.

Never could any Person that had not Proclaimed *open War* with Reason and broke all *Truce* with Sense suggest as he does that the difference between the Descent of the *Crown* and that of a *Private Estate*, are Reasons for altering the *Succession*, which is one of the best Arguments for it's being *Unalterable*. Does not the Law providethat but *one* Daughter shall succeed to the *Crown*, and that for the Preservation of the *Monarchy*; which must be but of *one* and no *Co-partners* of a Kingdom? And so also the Son of a Second Venter to prevent the want of *Succession* shall be admitted to the *Throne*; when he shall be *Excluded* an *Estate*: His fancy of the Royal Families being Extinct, and that then the *Majesty* of the *People* commences, was long since the pretty conceit of *Will. Pryn* too. In which they tell us as I've told them before, just as much as an old Aphorism, *When the Sky falls*, and spoil another good Proverb, that *No man dyes without an Heir*: But suppose what can be, may be: Would not all this mighty Constitution of Parliament be gone too, when there was no Successor of a King to Summon it. His

* *Maje-*

Pryn's Parl.
right, &c.

* *Majesty* of the People might set up another Policy of Government they think it it pleased: But would not their *Majesty* of the *People*, find it more agreeable to *Divine Institution* to agree upon the same Government in *another* person in an Extremity? for would it not be more agreeable even to their *own* Interest, to prefer that under which they had enjoyed so long, such an Experienced Happiness, since the Almighty does not Reveal himself as he did of old to *Moses* and the Prophets, and bid *them* arise and Anoint him a King over his *Israel*?

* Postscr.
pag. 83.

But as Mr. *Hunt's private Estates* (tho I know not with what equity a mere *Fiction* in Law, robs a man of so much *Realty*) are frequently recovered with *fine* at Common Law against the *Right Heirs*, he won't pretend therefore sure a Parliament shall, a Kingdom and a Crown against a *Royal Successor*. His own Reason for it is the best *Refutation*, for I say too, the Crown is || Governed by other || Rules than a private Estate, and the Romans who were Governed by those Civil Sanctions, that have since the whole World, tho by those they had a Dominion over their

|| Postscr.
l. P. 72.

Cowel In-
stit. l. 2.
Tit. 3. De
Exhereda-
tione.

their Issues, Heirs, and Estates, yet *those* will not grant even to *Kings*; the power of Disenheriting their own Successors: Nay such Favorers were they then of the Right Heirs, that they would not permit their *Common Citizens*, to be disinherited at the *Arbitrary* Will of the Parent, but obliged them to observe such certain exprefs Rules in their *Exheredation*. And heretofore, some of the Writers of our own Law could affirm, that the Inheritance that descended from their Ancestors was scarce ever suffer'd to be disposed by Will, but to the *next Heir*, for my part I look upon the word *Heir* not to have the *same* Relation in case of the *Royal* end, that it has in *that* of a *Subjeſt*, who always claims his Estate from his *Ancestor*, Common whereas the other Heir is call'd more properly the *Kings* SUCCESSOR, but the *Crown's* HEIR. And it will be hard then to make him pass for the *Parliaments*.

I won't tell Mr. *Hunt* here, of the Blood and Miseries, the common Calamities, the dismal Attendants of a Royal Heir being bar'd of his *Right*: How many Millions of *Lives*? how much *Blood* it has cost us already? (And if any thing,

thing, of ~~One~~ would have frightened us,) for ~~Excluding~~ a Duke of York too; but it seems ~~Blood~~ did not terrifie Mr. ~~Hunts~~ Members of Parliament, to whom their * Oracle gives all the properties of an Elephant, and then they must be only ~~provok'd~~ at ~~Red~~; 'tis the Justice of it; and every Moral Action that must direct ~~Communities~~ as well as ~~Common~~ Persons, and a Mighty Parliament as well as a single ~~Peasant~~. If Expediency shall come to warrant ~~Injustice~~ in Aggregate Bodies; every Individual may as

well commence Villain for Convenience, || Away with that Paradox of Folly and Faction; that a Parliament can do no wrong, since we have seen such a numerous Senate transported like one Man with rage

and Folly even to the Ruin of Three Kingdoms. And with what Justice an Exclusion which wou'd here have been the greatest Punishment next to Capital that a Crowns Heir could suffer, could well be past, and that for punishing an Offence Antecedent to the Law, I leave, such Legislators to Judge. It looks so much

* Coke 4.
Inst. p.
19. 3.

|| Consult these Damagogues Darling, Coke himself on the Case. 4. Inst. c. 1. page 3. are his own words. The more high and absolute the Jurisdiction of this Court is; the more just and Honourable it ought to be in it's proceeding, and give Example of Justice to the Inferior Court.

* *Mortimers* 2.

Harry the

6. Cromwells 32.

Hen. 8.

|| *Strafford*

5. Car. 1.

revert 14.

Car. 2. c.

29.

Kerby and

Algore's

Case, was

of this na-

ture but

very hard

upon the

25. of *Ed.*

in *R. 2.*

time.

much like their Bills of * Attainder, that I am loth to tell them such an one even in this || Kings time was reversed with Ignominy and Reproach, and for a Repealing of the Infamy, the very Records of it raz'd from the File, and should the Crowns Heir too have suffer'd by a subsequent Law he cou'd never Transgress? Would they have given their God the Lye, and made *Transgression* where there was no *Law*? Did the Seminary Priest suffer here, for Officiating, before that Statute was in being? Should the Profession of the Catholick Faith, and that but suppos'd, have had the force of a *Salique* Law, even against him that cannot well be said to sin against it? Set the Mark upon the door where there is Death and the Plague; and then let those that will enter dye.

CHAP.

CHAP. IV.

Remarks upon Julian.

THat this Author was a better *States-man* than a *Christian* that he consulted more the *Security* of his Person, than the *Purity* of his Religion ; that he had much rather burn his *Bible* that suffer but a * *Tomkin's* Finger into the *Flame*, are such undeniable *Truths*, that you must suspend your own reason and give your *own* Writings the *Lye* but to suspect them; but how far this Doctrine of *self* preservation is always consistent with the *Gospel* ; and whether a man may never deny himself to *Confess* his Christ, requires. I believe, not an absolute determination of *School Divines*, but may be Collected from the *Practical* Inferences that may be drawn from many a Text in the New Testament. How far
our

* Vid.
Foxe's
Martyro-
logy. pag.
1534.

our Saviour's Suffering on the Cross, should influence those that profess themselves his Disciples to Suffer: How much the precepts of their great Master was Imitated, by those Christians that were truly Primitive, is a Disquisition proper for a Divine. And has been as industriously enquired unto by several hands engaged in that Holy Function, the tide is turned at last with the Time, and *Jovian* remains as *Unconquerable*, as his *Julian* was thought to be beyond Answer, that Learned and Loyal Author has fixt the Pillars to the Controversie, and if this adventurer, with the second part of his **Julians Ship* will force beyond it, he may discover to us a new faith, a new Bible, but can never confute him from either of the old, most of my Remarks shall be upon his *Political Observations*, for what he would Reform, in the Doctrine of the Church is only as it relates to Matters and Affairs in the State.

The Loyal Addressers feel the first Effort of his fury, and the *Horns* of *Mahomet's* Hobgoblins are placed even within their Brows, for expressing (he thinks) their contradictory Protestations;

* An Esq; in Divinity, or the Divine Squire, one Ramsey (that writ himself so, and B. D. beside I remember) Printed the first, a pretty piece of popular Nonsense.

ons ; but such Bugbears will hardly frighten *them* from following the Precepts of their Saviour, that still inculcate on *sufferance* and *Subjection*, but only may deter *such* as prefer the Crescent of that *Imposture*, to the Cross in *Baptism*, that can baffle their *Bibles*, where it restrains their *Liberty*, or admit an *Alcoran* of the *Turks* to tolerate *Licentiousness*, it might well be a Grievance to such disaffected Creatures to see the good Effects of his Majesty's Declaration, and that all his good Subjects, had gotten an opportunity of shewing that Affection and hearty Loyalty which was over-awed by the Tumultuousness of a Faction from discovering it self, they knew their own Party's power had been prevalent a long time in putting up *Petitions*, and in those Numbers augmented too with *Artifice*, as well as *Sedition*, had placed a Confidence which they saw failed them, and themselves foiled with a *Weapon* not much unlike their own in its *make*, tho the Metal and Matter of *another* and *better* temper: Here in truth lay the *contrariety*, the *Contradiction* that confounded

ed them, more than in the Nature, and *tendency* of such Addresses, which if this prejudic'd Divine had examin'd he would have found no more *Zeal* in them, than what was consistent with their *Loyalty* and *Religion*, Their *Allegiance* which they had sworn (and of which some of our Protestants make as little account as if a Jesuits Equivocation would absolve them from a *positive* Oath) that obliged them to declare for the *Kings Heirs and Successors*, and the *Protestant* Religion might still be maintained under any perswasion of their Prince, unless the Nation was obliged to believe their Politick presumptions in a piece * of *Treason*, for *Gospel*, and as infallible as a *Creed*; and that because their *Associated Excluders* in a Scheme of Rebellion, tell us, *Queen Mary* proved the *Wiseſt Laws* insignificant to keep out *Po-pery*; therefore it must be concluded it cannot *now* be kept out. This Gentleman knows, (that I believe chopt up so much *Logick* with his Commons at the University, if Educated there, where commonly better principles use to be Instill'd,) that it is a most false Inference form

* Their
Associati-
on.

from a *Particular* to conclude absolutely and *Universal*, and when besides *Henry* the 8th's *Reforming*, *Edwards* the 6th short Reign, had hardly settled the *Reformation*, there being more *Romanists* then in the Kingdom, than such as had truly *Reformed*, it was never truly begun or throughly *perfected* till *Queen Elizabeth's* Reign; which might be easily observed from the *Parliaments* so soon declaring for *Popery* in *Queen Mary's* first entrance upon the *Throne*: yet however he might observe, tho the *Sussex* Men set her up as undoubted Heir to the *Crown*, which as the *Bishop of* * *Hereford* in the *History* of her Reign says, was then so prevalent with our *Englishmen*, that no pretence of Religion was a sufficient Suggestion for opposing such a Right, Yet they soon deserted her when they saw her bent for introducing a new one, and such a defection might have endangered her establishment, had not the generality of the Nation been then of her perswasion. But what Maxims of State should now move another Prince of that Religion to endeavour it's establishment, when *All* the Kingdom's so bent against it, when the Protestant has been

* *Godwin*
in *vita* *Mariae*
riae.

H h

root-

rooted here for above this *hundred year*, & we have a King, whom God preserve, that has *promis'd*, and may live yet many to defend it. They must imagine such a Successor seduced against his Interest, his *Councils* befotted to set him upon such *Measures* now as must certainly *disturb* the Quiet of his Government, tho the *Faction* cannot *Overtur*n it; so that this great point will come to this; Whether having more contingencies than one of having such a Religion introduced, as first the great Casualty there was of his not coming to the Crown, which might have been prevented by a *Natural* death, without their Expedients at the *Rye*, their unhuman, and *unnatural* Barbarities: and then imagining such an Actual Succession, that Improbability of making such a sudden *Alteration*, in Religion, only for his *own* Disquiet, and without any Probability of *Establishment* in his Reign which according to the Course of Nature must be too short, (tho I shall still pray for any of the Lines longest Life,) and the little continuance it can expect should it be introduced when all that are to succeed him are profest Protestants. These being such Casualties as upon good Conjecture and Probability may

may interpose, the question is; Whether in prudence or Policy we ought to have Involv'd our State in *certain* danger, only to prevent a *contingent* one. I could never get any one yet to prove that to be matter of Expediency for the good of the Publick : That such an Exclusion would have been *certainly* dangerous our Annals too *sadly* Testifie, and any one need but to turn back to my Remarks upon our History and he'll find it Chroni-
 cled in *Blood*. And that any danger of our Religion is but merely *Contingent* must be allow'd by all that think it not *Predestinated* to be changed : And what now have these *good* Subjects done to be thus reviled by the bad ? Why ! they have declared in their *Addresses* to *Affert* that *Right*, which in their *Oaths* they have *Sworn* to defend. And a Pious Divine that has *dispensed* with them, Li-
 bels them for not being *Perjur'd* for company.

His * distinction of the Religion being * P. 7.
 Establisht by *Law* is far from creating any difference, for the question is here, what is the Doctrine of the *Gospel*, and it can't be imagin'd any sort of Christians upon the *Privilege* of any *Political* Establish-

H h 2

ment,

ment, are enabled to dispense with the precepts of their Religion; and confute their Bibles with the Statute Book. Saint Paul's sufferings are so far from discountenancing such a Doctrine, that they are alone the best, the clearest Confirmation of it: he was beaten, suffer'd Imprisonment, and all for the sake of his Saviour: he told them after his durance to whom they had done it, and the greatest Sticklers for Passive Obedience, will allow Mr. I. to plead his Magna Charta; if he won't with the Barons beat it into the Head of his Sovereign with Club Law, or knock out the Brains of an Imprisoned * King for it with a || Battle-axe, his Breath can plead his defence without Resisting unto Blood, Paul could have pleaded his privilege of being a Roman and undemned, sure as available before his Sufferings, had he not thought it is duty to suffer, and he may read in the same Book of those that went away Rejoycing that they were counted Worthy of it for his Name. A man may be born to a great deal of Right when 'tis none of his Birth-right to Rebel; and that against the very Monarchy it self.

* So they murder'd at Pomfret Rich 2d. || Vid. Baker p. 155. Stow says, it was with a kind of death never heard of here p. 325. tho Walsingham would have it with Pinning.

His

His case of the * Pursivant, is as much * p. 9.
to the *Purpose* as if he had pitch't upon
the *First* in the Report, there was an
Arrest of a Body by such an Officer, to
bring him to appear before them, that
constituted them, an || *High Commission* || Erected
Court. And as often it happens, in Ex- 1. *Eliz.*
ecution of the Law many times there is p. Letters,
Opposition made, sometimes *Maiming* is Patents.
the Result, many times *Murder*; here it
hap'n'd that the † Officer's Assistant was † One
kill'd, and the Law that makes it but *Johnson*
Man slaughter in a Common Fray, in an *Simpson's*
Execution of an Office makes it *Murder*, Case at
and that must depend upon the Autho- the Assizes
rity of that Court from whence such Of- of North-
ficer receives his Writ, Warrant or Com- ampton.
mission; 'tis * adjudg'd in
the Case that they might
have cited to Appearance,
and upon Contumacy to
have proceeded to Ex-
communication, and then
have arrested upon their
Writ of *Capias*; but that
they could not Arrest him
outright upon a *Surmise*.

That a Man may resist an Authority,
that is not Lawful any man will allow,

H h 3

for

* *Coke R.* 12. pt. p. 49. Vid.
also the same Case, 4. *Inst.*
Cap. 74. p. 333. But as quick
as Mr. *Johnson* jumbles up the
the business, the Judges de-
fer'd their Judgment till the
next Assize, and then perhaps
the emulation there is, and
always was between the two
Courts, made their Lordships at
last a little Partial. *Brownlow's*
2d pt. p. 15. *Humpton's Case* 42.
Eliz.

for it is the same as if he resisted *none at all*, however if Murder be the Consequence of such a Resistance ; all his Expositors upon the sixth Commandment will hardly help him to distinguish it into Man-slaughter. And tho my Lord * *Hales*, whose Memory will still be pious for his equal distributions of Justice was a great Latitudinarian in allowing too much scope for premeditated *Malice* ; yet the *Decalogue* will make that *Murder*, for which the *Law* will allow him the *Benefit* of his *Clergy*, and did in *Harry* the Eighth's time without distinction to all sort of shedding of Blood, and then the Book that he talks of was dedicated to *Cromwel*, would have been Authoriz'd by the *Law*, which in some sort it self

*Vid.Pleas
of the
Crown
Hales.

* Besides 'tis observable the Judges at that time had a particular pique to the power of that Court which they thought invaded theirs, and might be very ready to give Judgment against them in *Criminal* Matters ; as well as *Plaguey'm* with their *Prohibitions in Civil* and as they were then great *Foes* ; so my Lord *Coke* in his discourse upon the Court is but little their *Friend*.

then, made all *Killing no Murder* : neither in an equitable sense was this *Homicide* excused from being a Murderer, because he resisted *unto blood* before the jurisdiction of the * Court was *Resolved*, and to him in a *Moral* sense 'twas as much Guilt as if that Authority had been *Absolute*-

ly

ly Legal, and tho he tells us he does not descend to false Arrests, yet I thank him for his *Condescension*, 'tis to such a matter as is no way distinguishable from it, for an Arrest without *Authority* is equivalent to a *false*, and is as much *Tortious* and *Force* as what is done upon a *Forged* Warrant. The Cases reported by those two Lawyers he cites, one of them but a Prothonotary, that other our great Oracle, in my Conscience were never designed for proofs against *Passive Obedience*. By their Resistance here of the *Law* was never understood that which was forbidden in the *Gospel*, besides it was but the Resolution of the *Judges* against the * Power of that Court, which to be sure they did not care to *favour*, and those two Authorities he has cited, none of the best, in Matters of *Allegiance* and *Loyalty*, that part of *Coke* is looked upon not very favourable to the *Government*, and *Brownlow* first Printed when there was none.

* So much were the people possest against the Power of that Court, in King *Charles* the First's time, that 20000. *Brownists* broke into *St. Pauls* where It was sitting, beat down all the Benches, and Bawling No Bishops, No Commission. Vid. *Dugd. view*.

But his Triumphant Distinction between his Religion Established by *Law*,

H h 4

and

and that which has *no Law* for it's Establishment, is not only far from creating a Difference here as I have shown before, because the precepts of the Gospel (which must be more *immutable* sure than a *Persian* decree) are still the *same*, and are *now* the Question ; but the Offering here of such a distinction is in Truth as *impertinently* applyed, as it is really *none* at all, for whenever he can imagin here, which God will avert, any *Sufferance* for the sake of his Religion ; it must be according to the *Law* of the Land, or else he'll never be brought to *suffer*, I'll secure his *Carkass* for a Farthing and be bound to supply it with my own for the stake ; if ever his be tyed to it, without reviving of the *Writ de Comburendo*.

* In *Q. Mary's* Reign first the *Parliament* supplicated the *Pope* for pardon and promise a Return to *Popery*. Vid, both *Baker* and *Burnet*.

All the Martyrdoms in * *Queen Mary's* Reign, were but so many Executions of the Law, and that *Writ de Heretico* he'll find in *Fitz Herbert* as well as a Common *Capias* : so that himself must first without *Charity* (which won't sure, then begin at home) *Give his Body to be burnt* with his *ImPLY'd* suffrage in an House of Commons, (for I believe He is not likely to be a *Bishop*) before fire and faggot

faggot can come upon him to singe his Hair or touch his Garment for the sake of his Religion, and how likely we are ever to meet with such a Parliament, to *Sacrifice* themselves again to the *Flames*; himself best knows who I believe does not fear it: so that here his *Foundation of Law Establishment*, has nothing to support it, and then all his Privileges of Saint Paul, his own *Magna Charta*, his Case of Commissions all fall to the Ground; and his very supposition of his Religion being *Establisht by Law*, and at the same time against *all Law* to suffer for it, is more contradictory than his *Horns or Addresses*, for it can't be supposed, but that the Power that punishes him for an *Heretick* will have Repealed all those *old Laws* that would have protected him for being *such*, and enacted new ones to make him suffer for his *Perseverance*: and 'tis always remarkable and a great *Truth*, that the laying down one single *false* Position, can never be defended but with as many *Lyes*. And this forces him to maintain, the Christians suffer'd *contrary to Law*, in the time of *Julian*: Certainly, he knows but *little* of *Justinian*, and the *Codes*; however his
Hunt

* *Pacius*
In Instit.
Prolegom.
p. 1.

Hunt help't him to so much of our *Cases* out of *Cook*. The Constitutions of the Imperial Law were but the *Decrees* of their Emperors, as well as the *Corpus* the *Collection* of one of them, all the civil Law that governed then is called * *Cæsaria*, *Imperatoria*, because their *Cæsars*, their *Emperors* where the Authors of it; and how can he plead for them their *Charters*, that had nothing else to trust to but the *Will* and *Edict* of their *Prince*?

The Testamentary Donation of *Edward* the Sixth he brings for an Argument for Excluding the Right Heir; which makes but very *little* for his own, and as *much* for the cause he contends *against*, not so Insignificant neither as he suggests, only because they could not well avoid an Act of Succession in *Harry* the Eighth's time, for whether that Act had been made or not; Queen *Mary* must have Succeeded by *Proximity* of Blood, as next Heir after her Brother. And 'twas that inherent and *unalterable* Right, that made the Nation the more Zealous in her Cause, tho there were enough too as Warm for her Religion; he very well *knows*, how that Will was extorted from a weak and dying Prince,
by

by the Powerful Importunities of *Northumberland*, for the sake of *Jane* the *Eld-est* of the House of *Suffolk*, whom one of his *younger* Sons had Marry'd, he *knows* nothing but self Interest and Ambition promoted it, he may *Read* that both the Learned in the * *Law*, and as eminent of the || *Divines* were against it, Bishop *Goodwin* tells us of *Cranmer* himself present that he opposed it, and that for the same Reasons all good Subjects do now, because he thought *no pretence of Religion could warrant an excluding the Right Heir*. This was the Sense of a *Protestant* so Zealous, that he afterward suffer'd for it, but the power of the great *Northumberland* prevailed with him at last for his Consent, of which himself afterwards *heartily* repented to the Queen, tells her he never *liked* it, that nothing *griev'd* him more, and that he wish't he could have *hinder'd* it. And the ill success that Attempt had is alone sufficient one would think to discourage such another: 'Tis strange that the very thing that has *once* brought a Calamitous War upon the Kingdom, that in this *very* Instance terminated in the Confusion of all the Attempters, brought *Northumberland* to be

* Sir
James
Hales
Judge
Court
Com.Pleas
Sir John
Baker.
Chancel.
Excheq.
Vid. Baker
pag. 311.
|| Goodwin
in Vita
Maria.

be Executed and to *Penitence* too, for having offended, and poor Lady *Jane* (as her self said) to suffer *justly* only for accepting of a Crown so *unjustly* offer'd. 'Tis *Prodigious* that such *contradictory* Mediums should be urged for *countenanceing* a thing to which they are so much *repugnant*? Did not a Parliament here of *Protestants* declare for a *Popish* Successor, and as Bishop *Goodwin* says the *Suffolk* men set her up tho they knew her a *Papist*? Did not a *Popish* Parliament after her death declare for Queen *Elizabeth*, tho they knew her a *Protestant*, and were not in all these sudden *Revolutions* the *Right Heirs* still prefer'd, notwithstanding their *Religion* was not the *same* that was profess'd? how then can men that offer at *such* a piece of *Injustice*, touch upon those times for the *Justifying* so much *wrong*, where they see that under the same *Circumstances* they still asserted their *Princes Right*?

The next pretty Notion of this *Ecclesiastical* novice in the *Law*, that we shall now pass our Notes upon, is a quaint conceit relating to our Oath of *Allegiance*: what it's form was of *old*; and what he would have implied in the word
HEIR

Julian p.
19, 20. &
11.

HEIR therein mentioned to whom we swear; and here at the same time that he would deliver the poor people as he pretends from the sad delusions of Error and Sophistry, does he put upon them the greatest Falsehood and fallacy and the quaintest Sophism, a *Quirk in Law*, viz. That the King's Heir in possibility cannot be meant in our Oath of *Allegiance*, because 'tis a Maxim forsooth in our Law, * that *no Man can have an Heir while he is living*. And with this silly Solæcism, a sort of Sense merely Sophisticated this Elaborate *Gospeller* in the *Law* layshimself out in the pains of two or three Pages, to prove the prettiest Postulate, which we would have granted, but for an asking, that in this our *Oath* we did not swear Actually *Allegiance* to the D. of Y. And truly I am much of his opinion too in that point, and that he was not then our *Sovereign*, tho he had a possibility to *Succeed*. But can ever a more *Senseless* Inference be made, by a pretender to Sense, or a more Jesuitical Evasion by the most dexterous Manager of an Oath?

* Non est
Hares Vi-
ventis.

First

First I would ask him what he thinks was the Design of its first Imposition? what was the Reason of Inserting, including the Kings *Heirs and Successors* in those Oaths of *SUPREMACY* and *ALLEGIANCE*? Was it to perpetuate or acknowledge an *Hereditary Succession*, or to warrant an *Exclusion* of the Right Heirs? Did the Parliament design in the framing them, the *Lineal Descent* of the Crown when they Swear to defend the *Authority of the Kings Lawful Successor, as well as his own*? or did they then reserve to themselves a power of declaring who should be his *Successors* by *Law*? But if the Divine Gentleman would have reason'd pertinently and to the purpose (tho it would have been but an absurd sort of Reasoning) this he must have inferr'd, that because we there swear *only* to be faithful to the Kings Heirs when they come to *Succeed*; therefore this Oath *non Obstante*, we are left at Liberty to prevent any Heir from his *Succession*, and then I would have this Political Casuist tell me, What would be the Difference between this *Evasion* and a direct *Perjury*, for we swear to be faithful to the *King's Heir* that shall *Succeed* him, and truly

truly in the mean while we make them our *own*, suffer only whom we please, or just none at all to *Succeed*; for by the same Law, Equity and Reason, that we interrupt the Succession of *one*, we may that of *one thousand* too, and still be true to our Oath; * if we abolish the *whole* Line of *Succession*, for then those Juglers with a turn of hand and a *Presto* will tell us very readily, why truly we swore to obey his Majesties Heirs and Successors; but must needs be absolved now, since there are none that do *succeed*. And such were the Casuistical Expositions of some of our *Late* Divine Assemblies, even in this very point, when they had *Murdered* their Prince, and denounced Death to *His Heirs*, and were urged with their Allegiance: But is not this first *Perjuring* themselves to Commit a Crime, and then justifying its Commission by their being *Perjur'd*? May we not as well *Murder* one that would be the *Successor*, and then plead our Innocence, we did not *suffer* him to *Succeed*? or truly did they not design such an Impious and Execrable countenancing of the Villany, when they *Associated* for his Destruction and swore to *destroy* him? would not they

* And even that is allow'd by Hunt in his Postscript, pag. 74.

Vid. Vote of the house in the Journal, 1648.

they then too have Absolved themselves thus in *Johnson's* Sense and the Jesuits; from any obligation to this his Majesties *Heir*, because the Law Maxim did not yet allow him to *be so*, and they had helpt him now from *being so* for ever? Will a *Nice* point of this his Law resolve does he think as *tender* a *Case of Conscience*? This his Law makes it but Manslaughter where a *person* is kill'd without *Malice Propense*; but will this be no shedding of Blood to be required at his hands by the *Judge of Heaven*, because he had his *Clergy* allowed here upon *Earth*? can he Prescribe with the *Laws* of the Land to impunity from the *Decalogue*; and tell the Almighty *some Killing is no Murder*? Here his *God*, his *Saviour* is invoked in a *Solemn* and *Sacred Oath* upon the *Gospel*, and one that should be a *Divine* Expositor of *both*, consults upon it the *Readings* of *Mr. Hunt*, and a *Resolution* of the *Common Law*; here he Swearsto the plain meaning of the *Words* without any *Mental Reservation whatsoever*, and yet this Mungrel in *Divinity*, means now to take it in his *mind*, according to a creiv'd *Maxim* in the *Law*. And this Libeller of the *Primitive* Christians, looks like an *Apostate* that was as *Primitive*; who kept pointing

Vid. Form
of Oath of
Allegi-
ance and
Suprema-
cy.

pointing to the papers he put upon his Breast, while he was Swearing to others that he held in his hand.

But yet I dare Appeal even to his *own* Breast who without doubt had often taken these Oaths being graduated in an University, and Ordain'd a Divine, (tho unworthy of both) whether the Words *Heirs* and *Successors*, were not understood by himself of such as *were* to *Succeed* by an Hereditary Right by *Birth* and *Blood* to the Crown; and whether that he did then Reserve to himself only such as did *Actually* succeed by Consent of *Parliament*, and whether he did not think, that by them he was not only obliged to obey *those* Heirs when they *came* to the Crown, but also to do all that in him lay to promote in the due time their *coming* to wear it; certainly to confine their Sense only to those that shall *de facto* succeed, is but Swearing an Implied Allegiance to any *Rebel* or *Usurper*, and the word *Lawful*, that still accompanys *Successors*, will not mend the Matter with such men, for all is presently *Legal* and *just* with them, that has but the *shadow* of a Parliamentary power for it's *pretence*: And I am well assur-

I i ed,

ed, That those that would have thought such an *Exclusion* just and *equal*, with their *King's* passing it, would have thought it as *Legal* could they have fate, till they had made it *pass without*. The good old King at first disputed his Militia as *hard* with them, and who could have believed any sort of men could have thought it the *Parliament's* without his Consent? But as soon as the Rebel House, had made their *Ordinance* for the Seizing it, which of those Miscreants did not think it as much *Law*? And the more than probable project at *Oxford* shrewdly Insinuates they would have *warranted* an *EXCLUSION*, without their Kings leave, Legal, had they been allow'd but a further progress in their || *Unwarrantable Proceedings*.

|| Vid.
King's
Speech to
the Parlia-
ment
there.

* *Julian*
pag. 19,
20.

But as much as Mr. *Johnson* Triumph's with this his Maxim of the *Law*, * as if he were the first *Divine* that had discover'd this deceitful Evasion; this *Jesuitical* interpretation of his *Protestant* Oath. Tho he and his *Hunt*, and all his Lawyers in the Hall should tell us *Ten Thousand* times of this Seditious sort of Construction, this Senseless Sophistry upon the plain word *Heir*, as well as he says

Page 19.

says they do an *Hundred*; still all their Noise and Nonsense about *Presumptive, Apparent, Actual, possible*, will be nothing more than what the late Rebels that had *Actually* Murder'd the best of Monarchs made their defence; to Justifie Treason and Sacrilege it self; so that all this Divine's Sophistry favours not only of Nonsense and Sedition, but of an old, odious, rank Rebellion; and for to satisfy him, that the Suggestion is serious, and founded upon Matter of Fact, (if he can find among all his Seditious Papers he has habituated himself to peruse; and what if he pleases I can lend him for his perusal) such an old obsolete piece, as was publisht after they had Butcher'd the best of Kings, * wherein they endeavour'd to persuade the people to be subject to their Tyrannous Usurpation; there will he find the very two Pages that he spends to promote the Quaint Conceptions of his Noddle about nothing, or what is worse, Faction and Folly; for tho he tells us these tales *Fifteen Hundred times* over, they told us so much for *Forty* years ago; and that to satisfy Tender and Malignant Consciences that there lay no Obligation

* A Treatise perswading Obedience in Lawful things; to Authority tho, unlawful. Printed London about 1649
Ibid.

from their Oath of Allegiance upon them to adhere to the right Heirs of *Charles Stewart*; because *that those Branches of the Oath which the Providence of God, had made Impossible to be observed, must be lay'd aside*; and then they go on to shew, that *Heirs and Successors* must be taken Copulatively, and so the word *Heirs* must be meant only of those that do *Actually* succeed: But the Providence of God, * (as they call'd it) having kept the Heir of *Charles Stewart* from succeeding his Father, had made, say they, that part of the Oath Impossible to be Observ'd, and so the power must now be Obey'd Actively in what hands soever it be. Seditious Soul! 'Tis too much to be Senseless too; Consider but upon this Occasion; a Case your self have * Cited, 'tis that of the Lady *Jane*? Did not the Laws adjudge it Treason in that poor imposed Princess for endeavouring to hinder the *True Heir* from being the *Actual Successor*; and to say Queen *Mary* was then already Succeeded will not salve the Matter, for it was resolv'd Treason too in her Father *Northumberland* his Contrivance of the Will for the Queens Exclusion; which confirm'd as it

Page 10.

Ibid.

Page 12.

* Vid. Also
a Religious
Demurrer
about Sub-
mission to
the pre-
sent Power
Printed
London.
1649.

* *Julian*,
pag. 12.

Anno *Ma-*
riae. 1.

it was by the Privy-Council was as much an Act of State as the Bill by which our present Heir was to be *Excluded*: and then what *they* did was but in pursuance of that Will after *Edward's* Death, and as the Duke told *Arundel* that Arrested him, that he had Acted only by the Council and Commission of King *Edward*: Yet all was adjudg'd a defence Insufficient; and I cannot see why the same Law would not have made those *Traytors* (had the Bill past,) that rebell'd upon pretence of such an *Act of Parliament*; as well as it did others, that resisted upon the pretext of a Will Confirm'd in Council; and which *themselves would have a sort of *Exclusion*; and is almost as much an *Act of state*. *Julian, p. 12.*

'Tis strange that men that would be thought so *mighty* Rational. should not only argue against the known *Rules* in all Logick but against the very Inferences of Common *Reason*, a man of Ordinary Sense without the help of his *Heereboord* will allow that any *Universal* and *General* Assertion, in includes all *Particulars*. And shall vve vvhenn vve sweare Faith and Obedience to the Kings Heirs and Successors, *Generally* Reserve an

* Vid. Association.

Exception of such whom the *Parliament* shall *Exclude*. It would prove but a senseless Solæcism in *Common Speech*, and must sure be of more dangerous consequence in a *Sacred Oath*: But I remember these same sort of Disputants in another * Case managed the *Reverse* of the Rule after the same manner: They tell us *Popery* cannot be kept out under a Successor *Popish*, because not long since Queen *Mary* prov'd it so: Their first Irrational Argumentation from a proposition (and that even in a Solemn Vow) clearly *Universal*, would except our Obligation to some *Particulars*, and the latter absur'd Inference from a *Particular* Instance draws a conclusion *Universal*, sure men of unprejudiced Reason would not infer against all the *Rules* of it; it must be nothing but *Passion* and prejudice that can prevail upon their *Sense* and Soul when they dispute against the very dictates of both.

And as Irrational are his Inferences upon our *Old Oath* of Allegiance, when by the Statute we have had since established a *new*, he cites us for a refutation of *Passive Obedience*, but a part of the poor || younglings Oath to be taken in

|| *Julian*
p. 11.

a

a *Court Leet*, and because 'tis there said by the Minor, and Sworn only, *I'll be Obedient to the King's Laws, Precepts and proceedings from the same*: And what then, Therefore that *Doctrine* alters our faith of *Allegiance*, and gives it new Measures of *Obedience*. So that the Consequence must be this, That if we do but perform that *Obedience* to the Kings precepts, and to processses out of a *Court Leet*, we are all very good Subjects, and that's sufficient; and truly a *Little* of Loyalty, and less Sense, with such Gentlemen may suffice; for certainly for any Consequence that can be drawn from this clause of the *Minors Oath* against his *Doctrine of the Bowstring* and the *Doctors Obedience*; he might as well have told us too, that the * *Tithing-man* is there sworn to be *Attendant on the Constable*; and the *Ale-Taster* make Oath, *He will serve the King's Majesty, and the Lord of the Leet in the Tasting of Good Ale and Beer*: But he might have been so fair here too, as to have let us know what follows, even in this Oath too of the *Youngling*; and I swear that *I'll be a true Liegeman and true Faith and Truth bear to Our Sovereign that now is*; and his

* Wilkin-
son of
Court
Leet 4th
Edit p.
298.

*Highness Heirs and Lawful Successors, Kings or Queens of this Realm, &c. As soon as any Treason shall come to my knowledge, I shall make the same to be known to the King's Highness his Heirs and Successors. And even the first part of this very Clause, he is pleased at last to recite in another * page, where he thinks it makes for his Sophisticated Sense, because (as I suppose) after the Word Successors, follows Kings and Queens of this Realm: But because God only knows (as he says) who shall come to be so, is it therefore no breach of our Oath to his Majesties Heirs to barr any one for ever from being King, God knows too who will live to Succeed him, and may we therefore without Perjury Associate to secure his Destruction, Swear to expel and destroy him, because he is but a possible Successor. All these things may be done, and justified, but so has too the Deepest Treason, and a Damn'd Rebellion, let but any Impartial Soul consider the Sense of that Supremacy, that Allegiance he Swears to his present Sovereign, and he'll find all along he makes at the same time an Actual Promise, an Implied Faith to those too, that are Possible Heirs, and*

* Jul. p.
20, 21.

and even *PROBABLE* ones according to the Ordinary descent of the Crown by *Birth* and *Blood*, without any of the least Relation or Reference to any *Extraordinary* Settlement of Parliament, Interruption or *Exclusion* : and tho in strict propriety of Speech, a man cannot be said to be an *Heir* to him that is *Living* and in possession, of that to which he is to be an *Heir* after his *Death*, yet I humbly conceive a man may be an *Actual* Heir to a *Right*, tho he be but a *possible* one to the *Possession* ; and 'tis that *unalterable Right* to the Crown we Swear to defend, Inherent in the Blood of those that as yet have but a *Possibility* to the wearing it.

The *Common Recoveries* now too *Commonly* suffer'd to be *really* just ; sure supposes some *Actual* Heir, and *one* to have some *Right*, tho he is living to whom he is to make himself so ; for if there be *no* such *Heir*, then also this feigned Recovery must be just against no *Body* ; if they will allow such an Heir to be, then there must be also of one that's living : And I look upon the Crowns *Customary* descent stronger than any *Tail*.

His

Jul. p. 20.

His case of Excise is just such another *Tale of a Tub*, and only tells us that tho'tis granted to the King and his Heirs, the possible Successor can't put in at present for a *Penny*, a pretty piece of *Impertinence* and well *apply'd*, and were this all they would have *Excluded* his Highness from, I believe they might have got his Vote to the Bill; and so we say too, that he could not have put in then for the Crown, but if he would have consulted the Sense and meaning of those Legislators that past that very Act, it would soon appear to him that what they designed for the Revenue of the *Royal Heirs in General* must as well be design'd for's *R. H. in Particular*, if ever he came to be an *Actual* Heir, and so he might as well have told us, that had his Parliament *excluded* the D. from being Heir to the Crown, they had shut him out too from the *Hopes* of the *Revenues* that *belong'd* to it, and in my Conscience those that had *pay'd* him off with such a Bill; would never have *pay'd* him a *Penny* Excise.

The last Remark I shall make upon this their * Maxim in the Law, and this that our Flourishing *Divine* celebrates

* Non est
Heres Vi-
ventis.

so

so much for making those *Heirs* mentioned in our Oath, to be meant only of such as *Actually* succeed at our Sovereigns *death*, because they will have it according to their Exposition, that he can have none while he *Lives*, is only by way of Civil interrogatory, what they think is meant by the word *Heir* in that * Act that Declares it High-Treason to compass the Death of the Kings *Eldest Son* and *HEIR*, for if their formidable thundering Aphorism, must be play'd so furiously upon us, we'll for once force their own Engine upon our Foes. If the King has no *Heir* while he is Living, why is it made here Treason to destroy him; if *Heir* must be here meant of him only that will be so *Hereafter*, then that whole word *Heir* is impertinent, for it would be Treason without it, for he would be then *de Facto King*; if *Heir* Relates to *Eldest Son*, then even the Statute too, understands it so as an *Heir Possible*, for an *Eldest Son* is no more at the most, and then we see that even in an Act of Parliament, the word *Heir* shall refer to one, that only may *probably* or *Possibly* be so in *Futuro*, as well as to those that are

* 25. Ed.
3. cap. 2.

Jul. pag.
20.

are *de Facto* such, and so agrees with the very common acceptance, *Afortiori* then we may (even, with the Consent of our Reverend Reader, the Divine Lawyer) admit of the Vulgar acceptance of the word when administred to us in an *Oath* so *Solemn* and *Sacred*, if it does not relate to the *Eldest*, but only to an *Heir* in general that may *Actually* Succeed, then they must *bring* (which to be *sure* they won't allow) a *Collateral* as well as a *Lineal* *Heir*, within the very *Letter* of the *Law*.

And whether they will allow him so or no, for any thing they can say to the contrary, a *Collateral* *Heir* may be within the *Statute*, tho not expressd in the very *Letter* of the *Law*. I don't doubt, but that the same *Intention* they had of preserving the King's *Eldest* Son and *Heir*, the same had those *Legislators* for the preservation of the *next* *Heir* of the *Crown*, whether *Lineal* or *Collateral*; and where their *Intention* may be presumed the *same*, there the *Remedy* without doubt was design'd the *same* too; and that *Intention* of all *Law-makers* must be only gathered from the parity of *Reason* for the making such a *Law*: Now if there be the *same* *Reason* for the securing the Person of any *Collateral* *Heir* as well

as

as the Kings *Eldest* Son and Heir, as doubtless there is, *for the perpetuating the Succession of the Monarchy*, then we have Reason to believe too, that *such* an Heir was also intended, especially if we consider that but just before this Statute of the 25th,* it was held, That Killing any of the Kings Children was Treason; all of them having a possibility of being Heirs *Apparent* and supplying the Crown with a Succession: 'Tis true ther's nothing expressive of a *Collateral* Heir in the *Letter* of the *Law*; so neither is there anything exprest of a *Second* Son, or a *Third*, when they should be come *Eldest*, yet all these are allowed to be intended too; and if *Eldest* shall extend to any that shall afterward become so, I don't see *why* the word *Heir*, which I am sure is there more *extensive* might not without much stretching refer to any that may become the first Heir, (Admitting it otherwise) they must admit; that this Law in this point is mighty *Superfluous*, the very thing which it always endeavours to *avoid*, for if the *Prince* must be only understood, why then *that* word would have exprest it *better*; or else *Eld-est* Son alone as *well*, and since *Heir* is superadded, and a Rule in Law that each

* Vid.
Britton, &
Coke cap.
Treason.

Letter of it must have it's full Emphasis in Explication : I cannot apprehend but the word *Heir*, there must signifie somewhat more than *Eldest Son* : There is no Provision made for the Queen *Regent* in that Statute, *Consort* being only named; yet the resolution has been, That she is within that Statute, as well as the King, and that for the Parity of Reason.

And for my Life I could never apprehend the little Lords Sophistry of a Brother or *Collateral Heir*, being but a *Presumptive* one ; it look't like a piece of State Metaphysicks, to distinguish his Highness out of his Title with a *Diminution* ; and that in order for *Excluding* him from the Crown ; Time always best resolves the Sense of such States-men, whose Politicks are best understood from the Measures they take, and who seem many times *Fools* in the *dark*, till they *disclose* themselves to be the greatest *Villains*. When I saw him settled for *Excluding* the Crown's Heir ; we soon saw the meaning of *Presumptive*, which before seem'd in so great a Man a little nonsense : But I can tell them of one-sense more it might have had. That is, the Duke was but his *Presumptive Heir*, be-

Shaftsbury.

because he *presumed* he should *Destroy* him : Some men of the Law would laugh at such Sophisters of the Faction. And truly they even at themselves, should they maintain the *Youngest Son* in *Burrough English*, was no Heir *Apparent*, who can be dispossessed by latter Birth, as well as a Brother or *Collateral* ; but it was the want of his Lordships *Law* that made him abound with so much *Sophistry*, and so little Sense : For my Lord || *Coke* lets us know that a *Collateral Heir* is as much an *Apparent* one, as the *Eldest Son* ; but only this says he is not within the Statute. Tho as * *great* a Judge and as *good* , was not so Dogmatical in this point, who as he had *Reason*, so he left room too for doubt, tho the Quære in his *first* Edition has been very industriously omitted in the *second*. I have been the longer upon this, to let the *Divine* see that he may be much out in his *Law*, and that tho he would have *Excluded* the late *Collateral Heir* from his *Oath of Allegiance*, his preservation might have been brought in within the † *Statute of Treason*, and the Doctor if he pleas'd might be *Hanged* for him as well as *Perjur'd*.

|| 3. Inf. l.
I. P. 9.

* My Lord
Hales Pleas
of the
Crown 1st.
Edit.

† 25. Ed.
3.

'Tis

'Tis pretty pleasant to me to Observe how men of these sort of principles can prevaricate for the Promoting of their own Cause, and the *Divine*st of them all run to the *Devil* with a *Lye* in their Mouth at the same time they in their Conscience believe the contrary to be true. No Soul Living but will believe this Libeller when so near Ally'd to the Gentleman of the Law we so lately left, would entertain as soon the *Damn*able Doctrin of a *Muggletonian*, as dispense with the belief of a *Divine Right* (since his *Associate* in their *Hotch-potch*, of Scribble, *Hunt* has rendered it altogether as *Devilish*) yet what that *Lawyer* won't allow, this * *Body of Divinity* is forced at last to prove, viz. That even the *Roman* Emperors Reigned with a *Right Divine*, and that all their Empire was *Hereditary*, and this he is seriously bound to maintain too, as the only *Basis*, and foundation for his *Rebellious Book*, so that these prevaricating Jugglers, with a turn of an hand can make the two *several Extreams* serve for the same purpose, when it will make for their Cause they shall make those Crowns *Hereditary* whom all Authors and all the World acknowledge *Elective* ;

* Vid *Jul.*
pag. 19.

Elective ; let it but cross the Interest of the Faction, the same pens shall prove you a most *Elective* Monarchy, from one absolutely *Hereditary*.

The *Roman* Empire was certainly from *Cæsar* their first, to this *Julian* himself, and even the very last of *their* Emperors uncertain in it's Succession ; sometimes a *Right* Heir would interpose, or an *adopted*, one but still, either set up by the Souldiers, or depended upon their permission. And how it could otherwise *well*, be no man can *well* imagin, when their *standing* Armies were continually in the Field, and a new Monarch commonly created with a *Shout* and *Salutation* of a Legion ; so uncertain was their *Succession* ; that they seldom had so much as *Certainty* for their *Lives* : Look upon the List which I have leisurably examined ; and you'll find from *Cæsar* that was *stab'd* in the Senate, to their *Apostate* *Julian*, whom they would have a *Christian* assassinate in *Persia*, I am sure *half*, if not *more* were *Murdered* or destroy'd by some prevalent Faction, or a mutinous Army, and most of the *Purples* they wore were *dy'd* in their own *Blood*, *Julian's* * *Cæsars* are just as well apply'd

* Vid. *Julian* the *Apostate*.

K k

here

Post. p. 47. here to the Succession of our *Prince of Wales*; as the Postscript has the Confirmation of the *Prince of Wales*, to prove the *Legislative* of the House of *Commons*.

On the other side our own Monarchy for *fifteen hundred years*, *Hereditary*, and that to be proved from all Chronicle and History, have the same sort of Pens (and whom this Author vindicates too with his * own) endeavoured to make merely *Elective*. I can't resolve this *Spirit* of Contradiction into any thing less than an absolute *Conspiracy* among themselves for the Vindicating rather *Pagans* and *Infidels*, the Government of *Rome* or *Constantinople*, before the *Constitution* of our Church, or the *Established Monarchy*.

* Brief History of Succession.

Upon the Publishing this pernicious piece and its falling into my hands, I remember (tho not much read in the History of the Church, or the works of a *Socrates*, or a *Sozomen*) that I had casually lighted in one of them heretofore upon the passage of *Jovian's* (this *Apostat's* immediate Successor) being saluted Emperor; where the pious Prince told them, he would never Reign over *Pagans*;

gans ; upon which they Reply'd they were all *Christians*, and as such, had submitted and not opposed the Government of a *Julian*, because their *Lawful* Emperor; a President so directly contradictory to those he brings, that it was a sufficient *Prepossession* to me against the profest Sincerity of the piece. *Paganism* is as much obliged to this *Apostate* Churchman, as the *Christian* Religion has receiv'd from him the greatest *disservice* ; he represents to us in several places his *Pagan* Emperor even with the *Meekness* Page 371 of a *Moses* ; and with such a *command* of Spirit and *Temperament* of mind, as if he would have him rather *Worshipt* as a *Saint*, than *Curst* for a *Persecutor* ; he makes him to take *Reviling* patiently, as if he'd let us know, he also could imitate his *Christ*, who *reviled* not again ; with such mollifying expressions in several places, to the very reproaches of the meanest ; as if he would recommend the *admiring* of him for an *Hero* ; which makes me remember his dying Words, I met with once in *Ammianus Marcellinus*, so full of *Magnanimity* and all the highest Expressions of a *Moral* Vertue, that of an *Expiring Pagan*, he seem'd to me the most

K k 2

like

like a *dying Christian* : But on the other side, those *Pious Souls*, those *Glorious Martyrs*, fam'd for their *Primitive Meekness* and *Moderation*, that in the *midst* of *Tortures* have accounted it worthy to *suffer* for the sake of their Saviour, blest their *Persecutors*, in *Groans*, in *imperfect* sounds, and unarticulated accents of *Agony* and *Anguish*, that tir'd the *Invention* of their *Tormentors*, as well as baffl'd their *Tortures*, and with *exalted Affection of Spirit*, Triumph'd in the *midst* of *Flames* : These has he fairly represented for the most *Malicious*, *Seditious* and *Rebellious* Brood of *Christians*, that ever breath'd under any *Government* altogether *Pagan*. What good the *Protestant Religion* can receive from such a Representation of the *Primitive Christians*, must be in *pleading* prescription to a *warrantable Rebellion* ; and what *Obligation Christianity* it self has to such a *Protestant*, is the making her much worse than the *Wildest Paganism*.

Had he consider'd how *unreasonable* it was only from the selected *Instances* of some *Turbulent Spirits* ; how *Irreligious* and *Uncharitable* it is from a few furious *provok'd Persons* to have cast such an *indign*
strious

*dustrious blemish and blot upon the Practices of all the Primitive Christians of those Times; certainly he would have found it much unbecoming his Profession, more his Religion? Why does he not conclude from thence too that in those days we never had any Martyrs; or that all Fox's mighty Martyrology is nothing but a mere Romance, for he'll find Her Majesty the persecuting Mary; in many places as severely handled? Why does he not tell us in her time Wyat, Crofts, and Rudston REBELL'D: And then conclude we had no Cranmer, † Latimer, and Ridly that suffer'd: Why does he not tell us of the Protestant Tumults of her time, that there were those then could throw Stones and Daggers at a Bonner, or a Bourn, and not a word of the more Meeker men; a Bradford || or a Rogers that bid them be Patient and appeased them, for his Maiden Virgin that Reviled Julian, he could tell us too that of one Crofts, a Maid, that Mutter'd out as much Sedition against Queen * Mary from the Wall; and let him but deal as disingenuously in Conclusions here too, the Reform'd Protestant will be as little Obligated to him as the Primitive Christian.*

† 22. Aug.
1554.

|| Vid Bur-
nets A-
bridgment
2d. pt. 3. l.

* Baker, p.
329.

In short, if *Julian* abounded with such a Spirit of Meekness; (as he in many places makes him to demonstrate) where then was this Terrible Persecution, with which he makes such a dismal din? If they were really Persecuted and Opprest, how came they to be so powerful, as to make such a signal resistance? If his Old man in * *Berea*, was only rebuk'd by him, for raging so hotly against his King and his Religion; and only bid by his Prince, in so much mildness as, Friend forbear railing; if at the Reproaches of the *Antiochians*, he only declared against seeing them any more, if as in his ridiculous Instance of old Father *Gregory's* kicking of his King, he was so terrify'd and aw'd; what is become of the Tyrant, and all the Bloody Persecution that attended him to the Throne? And if as in another place he has prov'd, there was much the greater part that remain'd Christian; where was this General Apostacy to the Pagan? In my poor Apprehension, the several Examples he has cited, did in some sense, tho beyond his design, as much oblige his Adversaries cause, and the late Case of Succession; as some of the Loyal hearts

* *Jul. p.*
39.

pag. 35.

hearts that labour'd so much in its defence, for they most of them prove that notwithstanding the perswasion of their Pagan Prince, the Christian Religion flourish'd as much as ever; and he never Punisht any Person; but for reviling him for his Apostacy to his Face; and that they might have enjoy'd their own opinions quietly had they not so much molested, and oppos'd *his*: And must the Christian Religion then be made so Rebellious, only because there were those that could revile their Prince and his perswasion? that could call their *Julian*, Goats beard, Bull-burner, Impious; Apostate, and Atheist? Why then this Gentleman himself may infer, that the Protestant we profess is as Rebelliously inclin'd; and that because some Seduced Souls were not long since so much possess'd with Sedition, as to Rebel against the Succession, because a poor Perjur'd wretch could call his Sovereign, † Dog, Devil, and Traytor; because M. J. himself suffers now a deserv'd Imprisonment, for representing now his own most Christian King for * ten times as great a Persecutor as the worst of the Pagan Emperors; or because

pag. 33.

38.

Exclusion,

† Vid *Oats*

Inquiry

B. R.

* *Jul.*

Protestant Subjects actual Rebels and in Arms against their Sovereign; with an Arch-Traytor Attainted long since legally, have publisht in his Manifesto'es of a Declar'd Rebellion, that their Liege Lord by the Laws of God and Man; that is Seated in the Throne of his Ancestors, by the Protection and Providence of God; tho' so much endeavour'd to be Destroy'd and Excluded by the Plots and Practices of these Devils, and that because such Rebel Subjects have declar'd this their undoubted and Merciful Sovereign, an *Usurper*, and a *Tyrant*: Our Protestant Religion, I say, by the same reason may suffer for the sake of those Seditious Souls themselves; from several of their own examples of a Rebellious resistance, as well as in their Arguments, that traduce the Principles and Practices of the Primitive Christian.

Vid.
Argile's
Declarati-
on, his
Majesties
first
Speech.

The very Rebel Books that are so much Consulted by our Asserters of a Common-wealth; and the Favourers of a Republick, because they make a Monarch so Mean, and Contemprible, even those have largely treated of the same Subject; that Mr. *Johnson* thinks he himself has only so Notably handl'd.

The

The Author of the Rights of Magistrates makes it most of the matter of his pernicious piece in the last Question which he proposes which is in these words,

De jure
magist. p.
94. Quest.
10.

Whether those that are to suffer for their Religion, can resist that Prince, that opposes the true Religion? I confess he with abundance of Foreign Impertinence tells us of Princes being bound to maintain the true Religion; a thing that no one ever doubted: but then I doubt, whether every Prince would not believe his Religion to be most *true*; but when he comes to the Question, whether the Subj. & can resist, if the Sovereign design for them a *false*; then he comes to our Mr. Johns: Resolution of the Case, of a Religion *Establisht by Law*; the point in which he deluded unhappily his Patron the late Lord *Russel*; then he tells us the

Jul. p. 7.

same Triumphant notion and discovery, in which this Divine was so much exalted; that the *Roman* Emperors had never allow'd the Christian Religion any publick exercise: But yet this very work which some would have a Catholics (but which I can hardly believe from his Brutish rage that he shows in his railing against that Church, whom

Edictis Legitimis & Rogatis.
p. 101.
Publicum Religionis Christianæ exercitum quispian corum nunquam concesserat. p. 101.

in

* Romana
meretricio
Sanguina-
ria. p. 98,
99.

Uc illi non
fas sit cam
pro arbi-
trio suo, &
sine causâ
Cognitio-
ne abroga-
re, sed ea-
dem Au-
thoritate
tanquam in-
ter cede-
cente; quâ
ab initio
sancita fuit
pag. 100.
page 18.
That Au-
thor laughs
too, as
well as Ju-
lian at the
Martyr-
dom of the
Theban
Legion.

in several places he is pleas'd to call
* beast, whore and Bloody Harlot, that
it sounds too much like the Language of
the Disciplinarians of those times; which
were nothing else but what we now call
the Fanaticks of our own,) yet this very
piece sufficiently pernicious; by both
parties disown'd and discommended;
wont allow them to resist the Sovereign
when he alters the Religion, only by
the same Authority by which it was Esta-
blish'd, but then alone calls him a Ty-
rant when he would abrogate it by his
own Arbitrary Power, whereas our Ju-
lian is a Bar beyond the best of their Ad-
vocates; and would have had us resist,
before we had known whe ther our Re-
ligion was to be alter'd by Law, or with-
out it; whether it was to receive any
Alteration at all; or whether the Prince
they so much Libel'd, would have come
to be capable as a King, to Subvert, or
defend it; for the Bill which this Libel-
ler (whom the very Law has made since
so; and a Court of Justice) would have
so necessary to be past, by the same
Reason that we use Remedies against the
Plague, that was only a Resistance of
the present Authority; in an *Altering*
the

the Discent of the Crown, which their own Laws Declare unalterable; and that only by providing against Contingencies, that might never have happen'd, which is a sign that they aim'd only at the Succession it self, more than any danger that they fear'd from it, because the Successor might be supposed, at the worst possible, and perhaps willing to preserve to them their Religion, which they so vainly fear to lose; as well as he has sinceratified it with his Royal word, and at the present is the Defender of our Faith too as a King, as well as he had often promis'd, before he was so; and Mr. *Julian* might have spared his Plaguy Metaphor of his Pitch and Tarbox; till he felt more fumes of an infected Air, and some better symptoms of the *Plague*: for while there is nothing but Cypher to that Disease in the *Weekly-Bill*, the people would take this Doctor for a Mad-man, should he run about the Streets with his Antipestilentials, his * *Fumes* and * *Fumes*: But yet in this his own Case, had our Author oblig'd himself but upon a great penalty; not to use his preparation of Pitch and Tar to prevent the distemper, I fancy he would run the risk

* Jul. p. 5.

risk of an Infection rather than have than forfeited the Condition : And I should think an Oath taken to be true to the Crowns Heir should oblige as much, prevail upon his Soul as well, not to use such means and methods as would make him forsworn, tho it were for the prevention of an ascertain'd danger. And I cannot see how such a Bill that dissolv'd the very band of our Allegiance ; could be call'd any thing less, then an Act of Parliament for a Statutable Perjury ; for none but a *Johnson* or a Jesuit will allow that the same Lawful Authority that impos'd an Oath to be *taken*, can command its violation after it is *took*, and that sticks so much at present with some of our moderate Covenanters ; that they cannot think themselves by special Act of their Lawful King, absolved from an Oath of Rebellion administer'd by none but Rebels and Usurpers. And tho this Gentlemans Oracle of the Law, was pleas'd to call them but Protestant Oaths, I might as well tell them they are Christian ones too, if they believe the Testament to which they swear. And as this Gentleman agrees with, and perhaps has borrow'd from this old Disciplinarian, several
several

several of his Doctrines; so has also *Brutus's Vindiciæ* handled the same Question, which he has propos'd in this form, whether it be Lawful to resist a Prince that Violates the Laws of God, and lays waste his Holy Church.

An Liceat resistere Principi- gem Dei violanti & Ecclesiam vastanti. ¶ Juni. Brut. quæst 2d.

But from that Excellent Author our *Julian* might not only have prov'd the Doctrine of Resistance to be the practice of the Primitive Christians; but that it was much Older, and Commanded by God himself to the *Jews*; and as the former || Author his Predecessor, can only from the Text tell us of the Kings of *Israel* being oblig'd to propagate the true Religion, such as *David, Solomon, Asa, Josaph, Hezekiah, Josiah, &c.* All Foreign to the Question, so does this *Brutus* tell us an idle tale: and the Fancy of his own Brain; that therefore the People of *Israel* fell with * *Saul* be- cause they would not oppose him when he violated the Laws of God; that the People suffer'd Famine for their not opposing his perfidiousness to the † *Gibeonites*, that they were punish'd with the Plague because they did not resist || *Da- vid's* numbring of the People; and that the People suffer'd for † *Manasses* polluting of the

¶ De jure Magis trat- tuum.

* 1. Sam. 31.

† 2. Sam. c. 2.

|| Sam. c. ult.

† 2. Chro. c. 21.

2. Chron. c. 33.

the Temple because they did not oppose it ; But where still do any of these prove, that the People did resist their Kings, or were commanded so to do ? 'tis but an Irreligious Presumption to think the Almighty should punish his chosen, only because they did not Rebel against his Anointed ; when that Rebellion even by the same sacred Text is declared worse than Witchcraft ; and that primitive one of *Corah* and his Accomplices was so remarkably punish'd : But I know these Authors will tell us, That *Elijah* destroy'd the Priests of *Baal*, notwithstanding that *Ahab* their King countenanced their Idolatry ; That *Jeboida* the Priest set *Josias* on the Throne, and not only rebelled against his Mother *Athalia*, but destroy'd her to restore the Worship she had abolish'd : But in both these Instances they may do well to consider : 1. That what was done here was by the express Direction of the true Spirit of God in his Prophets ; to which when our inspired Enthusiasts, our Oracles only of Rebellion, can prove their right, as well as they but pretend it ; they shall be better qualified to Judge their King when he offends against the Laws of his God. And
does

does not the Text tell us upon these very Occasions always, *That the Word of God came to his Servants*: 2. *Athalia* here, whom the People resisted, deposed, and slew, had no Title to the Crown, but what she waded through in the Blood of all the seed Royal: Religion was not there the rise of the Rebellion, but the right of the Crown's Heir, which was in the young King *Joas*, whom they set on the Throne of his Father *Abaziah*, and for which Heavens had preserved him; notwithstanding the Plot, and Design there was to destroy him: 3. If Religion were the Occasion of such Insurrection, as it really was not; yet the Worship then introduced was altogether *Pagan*, which by the express Command of God, they were bound to extirpate. And whatever our Apostate fancies in his Comparison of *Paganism* and *Poper*y, my Charity will oblige me, as a Christian, not to look upon the Professors of the same God and Saviour like to so many *Turks* and *Mahometans*, unless they can prove to me from the Text, that by the Worshipping of *Baal* is only meant the Catholick Faith, and to believe in Christ is to be an Infidel.

In

* Junius.
Brutus
quest. 2.
p. 37.

In the fourth place they do not consider, that even their own Arguments make all such Applications to all our present Kings altogether impertinent : For these * Republicans that maintain these Doctrins ; tell us too that the Kings of *Israel* were always to be regulated by the seventy Elders, as those of *Lacedæmon* by their *Ephori* ; that to these seventy the high Priest did always preside as Judge of the most difficult Affairs ; so that Arguments and Presidents brought from such Topicks, where they make the Kings to be govern'd by their Subjects, can't be applied to *Monarchs* that are Modern and more absolute, tho this their very Assertion that makes against their own Application is no less than a great Lye : For we find both the Kings of *Israel* and *Judah* from the Chronicles, the very Records of those times to be Princes altogether absolute, and to have executed too that unlimited Jurisdiction. I have related these few passages, out of the fore mentioned Authors to let this unanswerable *Julian* see, as I promised in the preceding Section, that this his Case, had been Controverted long before he could Read or Write, and defended only

ly by such Pens, as have Publish'd themselves and their Principles both infamous to posterity; such as have endeavoured to prove and promote Rebellion, not only from the practice of the *Primitive Christians*; but the Privileges of the * *Jews*, the words of the Book of Life, * *Hæc* and the very precepts of the Living God: *scriptura nobis definit, & quod populo Judaico licuit; Imo quod in unum fuit nemo negabit quin idem populo Christiano, &c. Junius Brutus* quæst 2.

His *Comparison of Popery and PAGANISM*, might be as well returned with a Parallel of *Johnson* and the *Jesuit*, for in many principles of Sedition they agree: and he takes (in some Sense) a little pains to prove his Kindness to the *Pagan*; that has thus traduced the *Religion* of the *Christian*. And we see that some sort of Modern *Protestants* could not only side with the *Turk* in his *Arms*, but almost in his *Infidelity*: The Religion of the *Romanists* I shall for ever dislike; yet still I would retain more *Charity*, for the professors of the same *God* and *Saviour*, than for an *Heathen* that is ignorant of both. It was falsely inferr'd from a Person at *Fishers Conference*; That the Church of *Rome* was the more *Secum*

L 1

and

and *Eligible* for allowing *no* Salvation out of *theirs*; whereas *ours* did out of our *own*; a choice both *Irrational* and *Unbecoming* a Christian, who from the *Charitableness* only of our *own* might have thought it *more* eligible and *safe*: But our *avenging Priest* here has pay'd them off with their own *Spirit* of *POPERY*; and for their *Damning* of *HERETICKS*, has sent them all to the *DEVIL*.

CHAP.

CHAP. V.

Remarks upon Mr. Sidney's Papers.

COULD the Principles and Positions of such implacable Republicans be Buried with their Authors, or cut off with the venomous heads, in which the Vipers are both hatcht and harbour'd, our subsequent Observations would be superseded with an Execution of the Law ; Treason and Sedition it self best silenc'd with the Tongues of the Traytors, and the Stroke of Justice: But Since we have seen a Most mighty Flourishing Monarchy, with these Undermining Maxims, of our dangerous Democraticks, Usurpt upon by the very, dregs of the People ; tho these Principles of Anarchy, and Confu-

sion, were Damn'd even by some of those Misguided Miscreants, that were of late deceived into an Actual Rebellion; a Calamitous War, led into a Labyrinth of almost an endless Misery: Tho the God of Heaven restor'd us that Government with a Miracle, which these Instruments of Hell had undermin'd with Treacherie and Plot; tho the promoters of these Principles that procur'd that dismal and utter dissolution of the State, for the most part long since expir'd either with a dry Death which the Authors of so much Blood and Misery did hardly deserve, or fell Victims to the Justice of the restor'd Monarchy, which they might be better said to merit; yet still we see their Positions to survive their persons, and their Monumental mischiefs more than any Marble must adorn their Tombs. The Doctrines of these Devils of Sedition, are transmitted to their posterity, with as much Veneration and Deference as of old the deliver'd Oracles of the Deities of *Rome*; or the murmuring *Israelites* their Prototypes of Primitive Rebellion and Plot, or even themselves do the Decalogue it self. And this Asseveration is so far from the Product of Passion, that I can prove it

it in it's several particulars; * *Brutus* his *Vindicia* was only the great Copy, and as exactly transcrib'd, from his immediate Predecessor in Sedition; that *Democratical Dogmatist de jure* † *Magistratum*, *Pryn*; and || *Harrington* here in our own soil, had his † *Needham* to succeed him; or rather as nearly Cotemporarie's to support him in his Political Treason: In our next age we are pester'd with a *Neuil*, a || *Plato* (i. e.) A Plague to any Government that requires a Subjection; and the very Subject of our present animadversion a † *Sidney* his Associate, all agreeing in every Syllable, in the same unanimous Absurdity, the same Seditious Nonsense, the same Confus'd Notions of an Anarchy.

* *Junius*
Brutus,
Vindicia
contra Ty-
rannos,
1577.
† *Ficleny*
de Mag.
1576.
|| *Harring-*
tons Ocea-
na.
† *Need-*
ham's,
Merc. Pol.
|| *Plato* Re-
divivus.

† *Sidney's*
Systeme.

I shall show the Congruity of these Conspirators, (for I cannot call them *less*, and there cannot be *greater* Villains (than what set up for Common-Wealth's-men, under an Establish'd Monarchy.) I will shew their agreableness from their own several Citations in a perfect Parallel of each Politician's particular positions; and this work will be most apposite and proper for this place, and such a Section; where Mr. *Sidney* must make the Subject

* Vid. his
Tryal p.
23.

|| Vid. Pa-
per at his
Executi-
on.

a Person that valued himself for his Antimonarchical principles ; at a time when he was to be * Try'd for Treason ; at || a time when he was to suffer for it too, or in his own Phraseology ; *singl'd out as a Witness of the Truth* ; tho some better Subjects might believe it, *persisting in a great Lye* : A Person that seem'd to suggest his Salvation, his Soul's safety to consist in asserting the Seditious positions of a rank Re-publican ; (as if Heaven it self had been Concern'd for his *answering Filmer*.) In short a Person the most Eminent Anti-Monarchist of our present Age, and as he says *from his Youth* ; fam'd and engag'd for it in the *past*, of a designing Head, and a discontented Heart, that would have been dangerous even to that Democracy he did adore.

But as I don't design to write the Life of a person, that was the *Dædalus* of his own Destruction, that drew down upon himself an Ignominious as well an unfortunate death, and Sacrific'd himself to the Bigotted Sentiments of his own Brain, which might have been *less* dangerous too to its *Natural Head*, had it not been bu-
lied so much about the Nations Poltrick Body,

Body, and might have left behind it a more lasting Monument of its Wit and Parts ; so happy to be as *Loyal* as it desir'd to be thought had it been *Learn'd*, and the disgrace will ever supersede the Glory of the greatest parts ; when it can be said they were exercised only in being so Seditiously Witty : I design no personal Reflection on his Name, or Family ; wherein the Exemplary Loyalty of some of his best, his Noblest Blood ; can almost restore and atone for his own's being tainted ; and their stedfastness to support the Throne ; can make amends for his Faction to subvert it ; and as I should be very loath to give the least offence to the *Living*, so I delight as little to disturb the Ashes of the *Dead* : I am satisfied 'tis the most uncharitable as well as it will prove but a rude draught to design upon the dust, to disquiet their Peaceful Urnes, who are said to *rest from their Labours* ; but the same Text tells us too *their Works will follow them* ; and 'tis those his principles, his positions I profess to censure and refute, tho I am sure this Gentleman, and his *Hunt*, have hardly been so Charitably Fair to the Fame and Memory of their *Filmer*.

L 14

And

*Vid. Try-
al. pag. 23.

|| Generali
Lege de-
cernitur
nemidem
sibi esse
Judicem
6. 3. 5. 1.

* Nemo I-
doneus
testis in re
sua Intel-
ligitur D.
22. 5. 10.

And the first that fall in our way, are his first lines that were produc'd upon his Tryal, wherein he Labours to Vindicate the * Paradox of the *Peoples* right of being their own *Judges*, and deciding the Controversie between themselves and their King; but tho they are told ten thousand times, that this would make the very || party to be the Judge, and produce the most preposterous and unequitable distribution of Justice, such as a Barbarous Nation would blush at; tho both our Common Law, and Common Equity; tho both the Canon and Civil, provide even against all * *Prejudic'd Evidence*, and must then a *Fortiori*, against a *Judge* that is so, and tho this Equitable process is provided even in Favour of this *People*, yet cannot these perverse implacable Republicans, think the same Common Justice necessary in the Case of their very King. And then I hope they will allow their Sovereigns Cause to be determin'd by Witnesses as well as their *own*; and then who shall give in Evidence the matter of Fact in which he has forfeited his trust? why they must tell us again, *the People*; so that the *People* forsooth is Party, Judge, Evidence,

vidence, and all; and no wonder then if among the *People* too, we find a pack of Perjur'd *Oates's*, that can impeach their Prince.

But it is not really the *Reason* of the thing they so much rely on; for that I shall refute anon beyond Answer and Reply; unless it be from such as are resolv'd to Rebel against *Sense*, as well as their Sovereign; but that which truly determines these dangerous *Democraticks*, is the *tradition* of their positions; which (as I observ'd) are deliver'd down to their posterity, and rever'd for Revelation: The Principles of a Republick like the root of Rebellion it self run in a Blood, or are receiv'd like the Plague, from the Company they keep by way of Contagion: They are loth to dissent from their Friends and Relations, or Condemn the resolution of their pious Predecessors. But sometimes the Seditious Souls are Seduc'd and Prejudic'd with the Approbation of an Author; whom they shall as *much* perhaps pervert, as they *little* Comprehend, sometimes *impos'd* upon with a pretended Antiquity of their opinion and policy, with which too they would *delude* others, so for the first we saw not
long

long since a *Plato Redivivus* dealt with the Devil he would have raised in the Ghost of his Philosopher, and endeavored to obtrude upon the World the lewdest Sedition, for the *Dogma Platonis*; so did also the *Leviathan* of the Usurper, that took his pastime in his unfathomable *Oceana*; (i. e.) a political piece of Paradox, deep and unintelligible; besides the quaintness of its pretty Style, that renders it a Composition of Pedantry, and Romance, That Illuminato was perswaded, (among the wonders in his deep,) that he had discovered what had been so long buried in the Floods; the old Model of the very Primitive Common-wealth, (as if his *Idea of Government*, had determin'd the Deity, or at least had been concurrent with the Design of the Creator, when he fram'd a World to be govern'd) for the bold Gentlemen being very Opinionative (and I think one might say a little impious too,) * *Appeals to God*, whither the Sentiments of this *Oliver's* Architect, do not suit exactly, with the very Protoplasts, the Almighty's Mind; and whither his Model (which all must acknowledge the result of a most unnatural

* *Oceana*
p. 15.

tural Rebellion) was not the very Common-wealth of Nature? And this his Prototype of the Primitive Republick, the Pragmatical Dogmatist is pleas'd to call, the † *Doctrine of the Antients, or Antient Prudence*, but if such (as he says) were the Government before the Flood, I shall only conclude it so; because its Lewdness and Sedition, might occasion the deluge; and might have been preserv'd for them in the Ark too, since there was Beast in it of every kind; and their admir'd *Aristotle* will allow his Ζῶν πολιτικόν, to be Communicable to an Ant, an Ape, or an Ass as well as a Man.

† Ibid p.
20.

This opinion of the Peoples deciding between themselves and their King, you shall see is not only Mr. *Sidney's*, but the Doctrine of all the Democraticks, all the rank Republicans that ever writ;

* *Brutus* in his *Vindiciæ* makes the Magistrates whom the People shall Authorize (by whom he understands their Representatives, their Dyets, or Par-

* Junius Brutus vind. cont. Tyrann. intelligimus Magistratus, quasi Regum Ephoros, &c. Septuaginta in Regno Israelitico, denique Praefectos, Centuriones & Ceteros. Vid. 6. 37. Quæst. 2. Rex Qui pactum perfide violat, hujus fœderis seu pacti Regni officicurii Vindices & Custodes sunt. Quæst. 4. pag. 169.

liament;

liament; or else such as was the *Ephori* of the *Lacedæmonians*, the Seventy Elders among the *Israelites*, the *Præfecti*, with the *Centurians* among the *Romans*, these makes not only the *Judges*, but the *Avenge*rs of the *Perfidiousness*, (as they call it) of their *Princes*; upon their presumption that they have Violated the *Laws*.

About a year before the Publishing of that Pernicious piece, some say a *Romish* Priest, a *Catholick*, others a *Reform'd* one, A *Calvinist*; maintain'd the same Doctrine, in a Treatise concerning the *Sovereigns* right over the *Subject*, and the *Subjects* Duty towards his *Sovereign*; for there he tells us (tho it be a Common Objection that the *King* has no other *Judge* but *God* himself, and the Example of *David* as commonly objected, whose *Murder* and *Adultery* no less *Laws* could punish than the *Almighty's*.)

¶ Populi ordines jus sibi retinuisse frā-
nandorum Principum, &c. Quod ni
fecerint perfidi in Deum & patriam ha-
beantur. De Jure Magistratuum. Quæst.
6. pag. 73. Edit. Francfurt.

he || Answers to it
very positively, that
the *States* of the
Kingdom always
retain'd a power of

Judging and Bridling their *King*; which
if they do not do they are *Traytors* to
God, and their *Country*; he would re-
solve

solve the Case of King *David*, (whom the People could not Judge for his more than Ordinary Crimes) to result from his sins and offences but being *Personal* ones; and (as he must mean I suppose) not perpetrated against the Welfare of the Common-wealth it self; tho I cannot see why the breach of any Law establish'd in a Community, may not be Constru'd to be a Transgression, also against the *Publick*; tho the Injury sustain'd more immediately relates to some *private* Person: 'Tis for that Reason all our Indictments run in the Kings Name, and the Criminal Process, in all other Nations; at the suit of the Power that is Supream; so that properly there is no *Personal* Crimes, especially of this Nature, but what can be consider'd too; (as they Commonly are) against the National Interest; and the very well being of the Civil Society: So that if they'l Punish, or sit as Judges upon the Sovereign, for designs against the *Publick* State it self, they can as soon for any injury done to an *private* Member of the same: But that we see the *Israelites* did not pretend to do even in their *David's* Case; and so his solution of the Nature of the Crime signify's just nothing.

Mr.

Neque supremum Magistratum pro *privatis* delictis Coercere, quæ proprie *Personalia* sunt. *ibid.*

*Publisher
to the
Reader.

|| Harrington in his
Epitome
of the
whole
Common-
wealth.
Oceana
pag. 278.

*Marchion.
Needham,
the Suppo-
sed Author
of *Merc.*
Pol.

Mr. Harrington whom his advocate, and his Plagiary too, in his * *Plato Republic* is pleas'd to recommend for his *Learning*, least the Notion of the *Balance* that he borrow'd from him should be taken for a *Fool's*, as well himself filch for it there, and play'd the *Knave*; why truly that *Learned Gentleman* Chimes on in the same Din of the Peoples *Judicial* power, (and these drudges of *Sedition* like the *Common Pack-horses* pursue all the same *Track*, and the leading *Bell*; for he tells us too, || the *People*, or *Prærogative* (all one with them,) are also the *Supream Judicatory* of this Nation, having *Power* to determine all appeals from the *Magistrate*; and to question him for his *Administration*.

In the next place, that * *Independant* Brute, that Assertor of his *Free State*, as he calls it, (*i. e.*) to be unconfin'd, and live like *Savages*: In Mr. *Hobbs* his Language, *The State of Nature*; or if you please, in Mr. Harringtons, *The Balance of Beasts*. This inveterate Villain, that vilifi'd our *Monarchy*, (tho that Heaven instituted it self, after its own *Theocracy*,) that debused this *Divine Institution*, even below their *Human* Invention,

on,

on, and † calls its Principles *Brutish*; That Panegyrist of the Usurpation, some of whose most Villanous Expressions, I may hereafter revive, for the Reproach of the *last* Age, that suffer'd such a Mifcreant to Murder *Monarchy* it self from the *Press*, when they had Butcher'd it before on the *Block*; and for the Information of *this*, that think themselves so hardly dealt with, when only their own Treason, and Sedition, is *less* severely handled: That *Opprobrium* of *Man*, as well as *Subject*, That pursued the Sons of the Martyr'd *Sovereign*, in such scandalous Satyr, and bitter Invective; such Satyr, as themselves would think but rudeness, if offer'd, only to the very mark of Infamy; their Perjur'd Evidence, or their Pillor'd *Oates*; such Invective, as themselves would think *Inhuman*, were it past upon *Beasts*, or their own more *Barbarous* Regicides: This most unnatural lump of Anarchy, whom but to name, is to digress into necessitated Horror, and Detestation; he publish'd too, this very same position, only in plainer Words, and more expressive *Treason*, viz. That the *People* were not only *Judge*, of his *Majesty*, but *That it be made an unpardonable*

†The *Brutish* Principles of *Monarchy*.
Merc. Pol.
Numb. 92.
March 11.
1652.

able Crime, to incur the guilt of TREASON, against the MAJESTY of the PEOPLE, * and notwithstanding those gaudy things call'd MONARCHS, the PEOPLE always made a shift to bring them to an Accountable Condition, For this the Plato Redivivus, or the Politick Plagiary || founds all his Empire, and Dominion, in Property, according to the Doctrine of the Ancients, or Oliver's old Oceana, only a new Babel built upon Rebellion: For by this their own Maxim of Balance, or Property, the People must be the supream Judges of their King, and so the only deciders of their own Case; for tho the King may be said to have, and surely has more of this Property, than any single Subject; yet they are satisfi'd, he can never come to have more than all, unless we could imagin he had in actual Demesne, the Major part of every foot of the Land in his whole Dominions; tho I think I have shewn in some foregoing Section, in what Sense even the Law will allow the Sovereign to have some sort of propriety over all: So that this their Ancient Prudence, or Empire in property will allow the Collective Body of Subjects, to be the

* Ibid.

|| *Plat. Red.*
page 39.

the best Judges of their own Case; nay
 necessitate them to be so, tho not some
 certain Subjects. But then tell me, Sedi-
 tious Dolts, the disparity between these
 Maxims you so much admire for their *Antiquity*, as if founded upon *Eternal Truths*, and the Doctrine of a *Brutus*, or a *Pryn*, the very Words of our *Modern* Common-wealths-Men, which almost all the World will allow to be *great Lyes*? and what does *Hunt's Harangue* tend to, but to maintain all the very same Position of this Peoples judicial Power? Does he not for this tell us, That *no* * *Civil Establishment*, but is controlable to the publick Weal: || That the Crown is the Peoples Right? and in a word, in the very words of that Monster; in his Mercury I mention'd above: A Miscreant that did not dare to see the *Light*, till the Monarchy it self was involv'd in its darkest Cloud; and in his lewd Language, does this illuminated Lawyer open too, even in this very Case, (*viz.*) That *Treason*, (*may very well be committed against the Majesty of the People*; and the same says, The Counterpart of this excellent Lawyer || *Wil. Pryn* in one of his Treasonable Treatises, Pamphlets or wast Papers.

M m

Here

Brutus's
Vindiciæ
quest. 4.
p. 169. ut
singuli
Principes
inferiores
sunt, sic
universi
superiores;
or Rex ma-
jor singulis
minor uni-
versis, Pryn
Parliam.
Rights
 * *Postscript.*
 page 71.
 || Page 73.

|| *Ibid* pag.
 73. *Will.*
Pryn a-
 gainst the
 King's ne-
 gative
 voice.

Tryal
page 23.

Here you see the Harmony, and agreeableness between the several sorts of these Seditious *Demagogues*, that is, the *Seducers* of the *People*, according to the very Literal Etymology of that very word they so much delight in; and Mr. *Sidney*, when he says, *there being no Judge between King and People, that therefore the Case admitting no other, they must needs be Judges of things happening between them and him*, is just no more than what you see, all those I have cited before, have all, all to a syllable said. Could I distort my Soul, and my little Sense so much, as to wrest it for a while, to play the Republican, (*i. e.*) to be Senseless, and Seditious; sure common Prudence would prevail with me not to labor so much in such a Subject, where the most sublimated Wits, with their most exalted Sense, can never say any thing that is really *new*, any thing besides what has been as much baffl'd of *old*, especially where the pains must be as unprofitable, as the argument dangerous, and well it may, that sets up for a Common-Wealth, under a Monarchy so well establish'd.

But since we have here seen all what such a series of time, and such a number

ber of Sedulous and indefatigable Authors have said upon this point, they surely cannot but forgive us, only for asserting this point of the Government, which they with less Reason are so ready to oppose; when our attempt, if it merit nothing, cannot be condemned from any Law, only for defending its own Establishments; and theirs for disturbing the publick Peace, must be liable to be punish'd by the Laws of any Civil, or Human Society: But to take no advantage from our having the better end of the Argument; consider the Case only in the absolute Abstract of pure and unprejudic'd Reason and Equity; Mr. *Sidney* says, || 'Tis a most absurd folly, to say a Man might not in some places kill an Adulterous Wife, or a disobedient Son or Servant, because he would there be both party and Judge, (tho the *Romans* for that Reason would have kill'd him, that ston'd his Son to Death) I don't know what Civil Society allows of such a sort of Severity, or what Barbarous one he had been bred in, but I am satisfi'd, that for that very Reason, they being the Parties most offended, have therefore sure the less Reason

|| *Ibid* p. 23.

The words of a late learn'd & Loyal Lawyer of our own, are expressly, the same; Persons must not be Judg'd and Party. *Jenkins* Lex. Ter. r. Ed. Lond. in 48. Page 15.

M 2

son

son to animadvert on the Offence, unless we could imagine them God Almighty too, as well as Governors, that had Injustice for their *all*, their *Attribute*; and nothing of *Human Passion*, or *Frailty*, from their suffering injury to transport, or deceive them in their executive power, beyond the Measures of its Administration: The Sons of *Brutus* had sav'd once their ungrateful *Rome* from a *Foreign Foe*, as well as the Father had delivered it from the *Domestick Slavery*, (as the Democratticks of those times termed too, their Rebelling against their perpetual Tyrant, their *Cesar* or their *Prince*;) yet so transported were the People, with the unsuccessful Attempts of those *unhappy* Youths, only for the *thought* of *restoring* that much better piece of *Polity*, the Monarchy, they had help'd but so lately to subvert, that without the least Consideration of their past Services they soon sentenc'd them to suffer: But were it granted them, That in *some* places, the Parties are permitted to be the Judges; Does that argue for the Reason, and the equity of the thing that they must be so in *all* others? 'tis sure a very sorry sort of an Argument, that will

will conclude from a *particular* wrong, to an universal Right.

'Tis such an one, as themselves would not allow of in the like Case, when it makes for the Monarchy : For when 'tis objected to them, that God in the Sin of his Servant *David*, did somewhat signify he reserv'd the judging of **KINGS** to himself the *King of Kings*, and Judge of all the Earth; and that therefore the Elders of the *Israelites*, or their *Seventy*, which *Brutus* says, were then to constitute their supream judicatory, we see did not, or could not call him to Account; why truly to this it is answered by his Predecessor in his Principles, that *Plato* to this *Aristotle*, That Author *de jure Magistratum*, That it is a false Conclusion to say, Kings ought not to be punished by the People, because *David*, or any particular King was not.

Vindiciæ
Quest. 2.

Falsa est
conclusio
non debu-
isse poenas
de delicto,
aliquo su-
mi, quia
semel sum-
pte non
sunt, de ju-
re. Magist.
Franckfort
page 72.
Quest. 6.

I shall grant this renown'd Republican, more than he'll be willing to accept of, especially in one of his Instances of the *Father*, tho party to have heretofore been judge even in Capital of his *Sons* Offence, tho against himself; but that was when the Government of almost all the World was purely *Patriarchal*,

πατριωὶ
 γὰρ ἀρχὴ
 βέλνται ἢ
 βασιλεία
 εἶναι.
 Ethic.Lib.
 8. c. 12.

and then he had the same Despotical power over his Wife and Servant, his whole Tribe and Family; and even as their *Aristotle*, a Common-wealth man insinuates to us in his Politicks, those ruling Fathers, afford us the Foundation for all Monarchy; but says *Sidney*, There being no *mean* Judge between King and People, therefore they are *his* Judges, and their *own*; and why may it not be as well said, therefore he is both his *own* Judge, and *theirs*? there is no one to *mediate* even in his *own* Instances, between the Father and Son, Husband and Wife, Master and Servant; and does therefore the Son Judge the Father, the Wife the Husband, and the Servant the Master? or are either of them therefore the Judges in their own Case? Certainly with Men of Common Sense, the *Supream* power must conclude the *Judicial* too, and that even themselves seem to suggest, tho it be bottom'd upon a false Principle, when they place it in the *People*: For they tell us themselves in their old Antiquated Aphorism, when they consider them Collectively, they are satisfied they have the supremacy, and then they would be not only *Judges*
 in

in their own Case ; but would for ever Exclude their King from being *Judge* ; but the very Foundation of this piece of folly under any Monarchy, must needs be false, and so the very *Babel* they would build upon it must needs fall into Confusion.

But to give a farther Confutation to this first Maxim of this Antimonarchist, tho it be really no more than what was Printed in the Rebellion, in another pernicious piece, besides what we have mention'd above ; It went under the Name of a *Treatise of Monarchy*, and its Author *Anonymous*, who very fairly puts it in the very power of every Man to *Judge* the Illegal Acts of his *Monarch* ;

* But yet will not admit it to argue a superiority of the Persons *Judging*, over him that is *Judged* ; and indeed 'tis such an Inference, as seems to be just as full of Folly as Faction, only they that would make the People *supream* for it, are the more *lying Knaves* ; and this that would make them decide the matter *without*, the more *Faction's Fool* : for when you ask these *Sophisters* in policy, if a *Sovereign* transcends his Bounds, who shall be *Judge* of that excess of *Sovereignty*? why them-

* *Treatise of Monarchy*, p. 28.

selves tell us there is no Judge, and yet will have the *People* and the *Party* to be so; but what if I should for once force them upon some shadow of Argument, and tell them the Fundamental *Laws* of the Land, to be the best *Judge*? Yet still they be at a loss for this *THEIR Judicatory*; for the King who is the Fountain of all the *Laws*, is the best *Judge* too of their being violated.

* Vid 4.
Eliz. 2. 46.
Ne poet
estre disei-
for ne fai-
re ascun
port. also
4. Ed. 4.
25. B.

|| Sir Walt.
Raleigh.
History of
the
World.
So the *Ci-
vilians* (as
Bartolus
says) the
Prince
does do
well to ob-
serve those
Laws to
which he
is not
oblig'd.

But besides the very Supposition of such a Violation of the *Laws*, by our *own* Sovereign, is as false in Fact, as 'tis expressly against those very *Laws* to suppose it; for by * those he is declar'd to be never able to do any *wrong*, and so his Subjects cannot be injur'd by him, or the Statutes violated, when by those very municipal Sanctions, he is still presumed to do *right*; but besides, Regal Authority cannot in Reason be subject to the Penalty of any positive *Laws*; tho it may perhaps be oblig'd to the Observances: And this made as || Learn'd a Person, as any our Land bred, to distinguish this Royal Obligation into the *directive* and coercive part; to the first, he thinks them somewhat subject, tho never to be compell'd with the latter: Con-
sult

sult but your Bibles, and the most curious of our Common-wealth's-Men, will hardly discover, what these illuminated Virtuoso's of the State, have of late brought to light, that any of the Kings among the *Israelites*, or the Men of *Judab* were tied to the Laws of their Land: That very Description that *Samuel* gives them of their Sovereign *Saul*, which our Democraticks delight to represent so very grievous and intolerable, and which the late Mercury-maker calls *the giving* them a King in his *Wrath*; yet that serves sufficiently to satisfy these mighty Murmerers, that the Nature, the Constitution of Monarchy was look'd upon then to be much more *Arbitrary*, than themselves, the most Seditious Subjects, would well allow, or our present Sovereign aim at or offer: For he tells them, The manner of a King must be to take their Sons for his Service, set his Souldiers to devour the product of their Ground, seize their Daughters for Cooks, and Confectioners; their Vineyards, and their Seeds, their Cattle, and their Servants, all must be his, such an absoluteness, and even an Oppression, that they shall, as *Samuel* says, cry out because of their King;

Decet tamen Principē servare Leges, quibus ipse solutus est, ut inquit Paulus d. 32. l. 23.

Merc. pol. Num. 65.

1. Samuel C. 8. verse 11, 12, &c.

Verse 18.

Tyrannus
est qui ex-
teros in
præfidiis
collocat
Vindiciæ
quest. 3.
Page 139,
140.

King ; yet even *this*, after he was by the same Prophet anointed, and endowed with all that formidable Power, he so fearfully represented, we don't find even *him* reproach'd for a Tyrant, or upbraided for violating the *Laws*, or any breach of Trust ; whereas their *Brutus*, in his Description of a *Tyrant*, calls it Tyranny only for a Prince to bring in *Foreigners for his Guard* ; and then our *Harringtons*, *Hunts*, *Nevels*, and *Needhams*, might have made it Treason too against the *Majesty* of the *People* ; for our Kings that have suffered several *French* Soldiers in their Troops : I say seriously they might have made use of such a Ridiculous Argument of this Authors, for accusing our Princes of their *Arbitrary Power*, as well as they have borrowed from the same Senseless Soul, as silly and Seditious stuff. But least our Republicans, as they really do, should rely too much upon *Samuel's* frightful Description of an *Arbitrary Prince*, (which they now-a-days too much make the Bugbear of the People, as if their Dogs can worry the best Government, when drest in a Bear-Skin ;) 'tis the Sense of some Learned Men, that the Prophet gave them only

ly this draught of a Monarch, to let them know the extent of his power, and as Sir *Walter* says, to teach the Subject to suffer with patience any thing from the Hands of his Sovereign; and I think that unfortunate Gentleman when he Pen'd most of that Excellent piece as a Prisoner, had no Reason to be suspected for a *Dissembling Flatterer of Kings*, as *Brutus* represents any one that defends his Sovereign's Right, for a Traytor Betray-er of the *People*, as *Hunt* has it, or as *Needham*; Debauch'd with the *Brutish*, Principles of *MONARCHY*; but I am sure may be allow'd to have had more than them all.

In the next place, the Laws of Nature, of all Nations, and particularly our own; all absolutely exclude the *People* from being Judges in the Case of their *King*: For the first, It is the most Preposterous and Unnatural Inversion in the World, that inferior Subjects should be invested with such a Power, as common Sense will not admit to be lodg'd tny where but in the Supream; they may as well invert the common Course, the constant Order of unalterable Nature it self, expect the

Raleigh
Hist.
Chap. 16.
§. 1.

Postscript
pag. 68, 69.

Merc. Pol.
Num. 92.

Pedes ele-
vabuntur
supra Ca-
put.
part of the
Oxford O-
racle. Vid.
Baker.

Sun

Sun and Lamp of Heaven should no longer move in an Orb so high; but Stars of the meanest Magnitude set up for the sole Dispensers of the day; and the simile for ought I see is not so Foreign neither; for we find there is more than a mere ordinary Analogy between that Harmonious Symmetry of the World, and such a System of Government, as if that Eternal Protoplast, had found it most agreeable for the frame of the Universe, which he the very God of Unity had form'd; as if the Institution of the one, were nothing less Divine, than the Creation of the other. And for this, I dare appeal even to the Almighty, and that with better Authority, than Mr. Harrington with his *Antient Prudence*: The God of Heaven, who by all, unless they be Barbarous || Heathens, is allowed to be but one, and he himself is pleased to call Kings his very Vice-gerents here on Earth; and the very Polytheists of Old Rome, that had their Gods for almost every day, as numerous as they say, the Modern *Romanist*, in his *Calendar of Saints*; yet they among the many Deities they ador'd, still lodg'd the Supremacy in one, and ascrib'd all the Govern-

¶ And even
Homer a
Heathen
was of that
Opinion.
Οὐκ ἄγ' αὖ
ὅτι πολλὰ
Κοιρανίην
εἰς Κόσμον
ἔσω Εἰς Βα-
σιλεὺς.
Hom. Il. ἐκ
τῆς Διὸς
Βασιλῆος.
Hes. Theog. v. 96.

vernment, all the sole Supream Power, to their Mighty *Jove*: For this he framed *one* Sun to *Rule by Day*, and a Moon Gen. i. vers 16. by *Night*: For this he Justified that paternal Right, in *one* Man, which even their *Aristotle*, a Heathen Born, bred under a Republick, reckons for a sort of Monarchy; But I confess such a sort of Argument, can not be concluding with Men that will oppose Heaven it self, and all the Harmony of its Creation, rather than be convinced, That their own Models end commonly in Confusion, and are best represented in the Primitive *Chaos*.

For the Second; Consult but the Imperial *Laws*, and the Codes of *Justinian*; *Laws* that were Collected from other Nations, as well as made by their *own*, *Laws* that their *Solon* and *Lycurgus*, with all their Attick Legislators; all the great Republicks of *Greece*, which these Seditious Souls so much extol, could never have reform'd; and you'll find what provisions those make for the Supream Magistrates being the sole Judge: The resolutions of some of those Heathens of the Royal Authority, their Humble Submission to the Supream Jurisdiction; in
all

* Imperator solus & Conditor, & interpretis Legis. Zouch. Element. part 4. §. 4. p. 103. and c. 1. 14. 12.

|| Quod principis placuit Legis vigorem habet, D. 1. 4. 1.

† Sacrilegii instar est principis re-scripto obviare C. 1. 23. 5.

† In omnibus Imperatoris excipitur fortuna, cui ipsas Leges Deus Subjecit, Nov. 105. 2.

† Si summo dare urgetur, ad Regem provocato. Lambert in his Laws Edgar. 1. 23. 5.

*all Causes, and over all Persons, (as our Protestant Oaths have it;) one would think should make the boldest of our Christians blush, that can run up resistance, at the same time they are Sworn to submit and obey; these their Laws, which for their equity have obtain'd even thro' the universe, these tell us, That the *King is both the Maker, and sole Interpreter of the Laws; that what ever || pleases the Prince has the Power, and efficacy of a Law; and that 'tis a Crime equivalent to * Sacrilege it self, to resist a Proclamation, or Edict of their Sovereign, that he himself is bound by no Law; and then I am sure can't be judg'd by any; and that he is † exempted from them, hereon Earth; because Subject to none but the Judge of Heaven.*

And for fear least Arguments drawn from the Laws of Nature, and all Nations should be insufficient, to convince men of such Seditious Sentiments; we'll for Confirmation of the Third, Subjoin the Resolution of the very Lawyers of our Land; and they tell us too, what the God

God of *Heaven*; and almost the Universal Concurrence of all the Nations upon Earth have agreed in before; our *Britton* as I've shown before, has in effect with the very digest of the Imperial Law; made our Statutes to consist in the *Will* and * Pleasure of the Prince; only qualifies it with this Insignificant Restriction, That it must not be understood of an Absolute Will and Ungovernable, but such as is guided and regulated by good advice; and the Rules of Equity, and Reason; and if this be a Warrantable Resolution, (and I warrant you the rankest Republican will take his Authority to be good; should it in any place favour their Anarchy; then it must be unavoidably concluded, that where the Law is the *Princes* || *Will*; none of his People neither as aggregate, or Individuals, can be Judges of its Violation; neither can it according to common Sense, without the greatest Solecism, and Absurdity; be said, by him to be violated at all; for where the Custom of the Kingdom (as it must be in all absolute Monarchies) has plac'd the sole Legislative Power in that which is Supream: There the same Will, or Moral Action of the Sovereign, that breaks

* Quod principi placuit Dig. I. 4. 1. The words of *Bracton* Chief Justice in *Henry* the 3^d's time. Rex & non alius debet judicare, and in another place. Illius est Interpretari cujus est Condere. || *Britton* that Bishop of *Hereford*; by order of *Ed. 1.* pen'd a Book of Laws, tells us 'tis the Kings will that his jurisdiction and Judgment be above all in the Realm.

breaks an *old* Edict; is nothing else but an Enacting of a *new*; and the Common Objection, that our Republicans Flourish withal against this, is, That then Murder and Sacrilege might be the Laws of the Land; because perhaps it has been heretofore the pleasure of our own * Prince. But as such Observations are full of Venom, and Spight, so they are as much impertinent, and nothing to the purpose; for whether our own old *English* Lawyers had restrain'd the meaning of the Word WILL, to a WILL guided by right Reason and Judgment, no Person of sober Sense, but must Imagine, that the very *Principi placuit* of the *Romans*, was as much restrain'd to the Rules of Reason and Equity; and therefore their *Tiberius*, *Caligula*, *Nero*, and *Domitian*, were as much Tyrants, and by their own Authors so are term'd, as if they had been bound by the strictest municipal Laws of a mixt Monarchy, and as the People themselves to the very Penal Statutes of the Land; and therefore for that Reason the very same Civil Sanctions of their Imperial Law, that allow such a Latitude to their boundless Prince, abound too with this Restricti-

on,

* Hen. 8.

*Britten, &
Brass.*Vid. Suc-
ron. In-
vitas.

that still it becomes him to observe those very Laws to which he is not oblig'd : And for the spilling of Blood, or Robbing of Churches, and the like unnatural enormities, which they say by the Sovereigns being thus absolv'd might become Lawful : did not the very *Directive* part of some of their Municipal Laws forbid them in it, the precepts of God and Nature, the Unresistable Impulse of Eternal Equity, and Reason; to which the Mightiest Monarch must ever submit, and themselves did ever own a Subjection ; *those* will always tye the hands of the most Absolute, from Committing such Crimes; as well as the Common *Lictors* do the meanest people for being by them perpetrated and Committed; and 'tis a great Moral Truth, grounded upon as much Reason and Experience, That those dissolute Princes that did Indulge themselves in the Violating the *Divine* Laws of God and Nature, could never have been constrain'd to the Observance of our *Human* Inventions, the Municipal Acts of any Kingdom, or Country.

And therefore I cannot but smile to see the Ridiculous Insinuations of some of our Republicans, endeavouring to

N n

main-

Decet tam
men Prin-
cipem in-
quit Pau-
lus Leges
servare
quibus ip-
se solutus.
D. 32. 1.
23.

maintain that by such silly suggestions, which they can't defend with Sense and Reason; for rather than want an Objection they'll put us too, suppose some Kings endeavouring to *destroy their Subjects*, and *alienating of their Kingdoms*; and then put their Question, Whether the People shall not Judge, and Punish them for it? but in this they deal in their Argumentation against their King, as some Seditious Senates of late indeavoured to Impose upon him to pass Bills, by tacking two together: A popular encroachment, with an Asserting the Prerogative: Just such another business was bandied about, by that baffler of himself; that pretious piece of Contradiction, *Will. Prin.* Who tells us out of *Bracton*; That GOD, the Law, and the Kings Courts, are *above* the King; where if you take all the Connexion Copulatively; 'tis not to be contradicted, because no King but will allow his God to be *above* him, *under* whom he Rules; yet even there it may be observ'd, that the *Lower House*, he so much Labour'd for, is not so much as mention'd. So do these Sophisters in the Politick's *here*, proceed just like those Jugglers in the *House*; they

they couple a supposititious piece of Premis'd Nonsense; and then draw with it, a pretty plausible Conclusion; for what man can Imagin, if he be but *in* his Wits, that his Monarch, unless he be quite *out* of them, and Mad, would destroy those over whom he is to Reign, none but the Bosan in the Tempest, with his Bottle of Brandy, was so besotted as to think of Ruling alone; and setting up for a Sovereign without so much as a single Subject; so that should these peevish Ideots, have their silly Supposition granted, still they would be prevented from obtaining their end at which they aim, for first if we must suppose all the Subjects to be destroy'd; where would there be any left to *judge* this Author of their Destruction? if they'll suffer us only to suppose the Major part, or some few certain Persons to be sacrific'd to his Fury, then still that Sovereign, that would destroy the most part, or some certain number of his Subjects without *Sense*, or Reason, must at the same time be *suppos'd* to be out of his *Senses*, and then no Law of any Land will allow the People to punish a Lunatick: But if a King must be call'd a Destroyer of his

N n 2

People,

* Fiat Ju-
sticia ruat
Cœlum.

|| Vid. Pa-
per of the
Proceed-
ings upon
Armstrong
his Out-
lawry.

People only for letting the Laws pass upon
such Seditious Subjects, that would destroy
him; which is all the Ground they can have
here; for branding with it their present
Princes; and for which these exasperated
rebels really suggest it; then, in Gods name,
let the Latin * Aphorism take place too:
Then let such Justice for ever be done
upon *Earth*; and trust the Judgments of
Heaven for their falling: Then let them de-
precate, as a late || Lady did, the Vengeance
of the Almighty, upon the Head of the
Chief Minister of the Kings; but let there
be more such Hearts to administer as much
Justice, and the hands will hardly receive
much harm for holding of the Scales.

And for that othersilly supposition of
these Seditious Simpletons, of a Kings
Alienating of his Kingdom;

* 'Tis a receiv'd rule among
civil Lawyers, and may be
well among our own: That
a King can't in Law alie-
nate his Crown; and that
if it were *Actually* done it
were *de Facto* void; besides
if the Subject was freed in
that Case, it would be the
result of the Sovereigns Act.

* they must suppose him at
the same time, as simple as
themselves that suggest it;
and could they give us but a
single Instance, or force up-
on us any President; all
they would get by it, is this,
That as their supposition

was without sense; so their Applica-
tion would be nothing to the purpose;
for

for such a matter of Fact of their Kings would make him *de Facto* none at all :

I know they can tell us of one of our

|| own that lies under that Imputation, of making over his to the *Moor* : And of others, that in the time of the Popes Supremacy, resign'd themselves with submission to the Holy See ; for the first, the most Authentick Historians not so much as mention it ; and were it truly matter of Fact, that King had really nothing to resign ; for the Republicans of those times, were the good Barons that Rebel'd ; and had seated themselves in a sort of Aristocracy before ; in short if it were solemnly done, it would look like the Act of a Lunatick ; if not at all, as is much more likely, their Historians Labour in a lye ; and for the other, we never had a Sovereign that Submitted the Power of his Temporal Government of the state to the Pope's See : but only as it related to the *Spiritual* Administration of the Affairs of the *Church*, and the Religion of the Times.

These sort of Suppositions have so much Nonsense in them, especially when apply'd to Human Creatures, and more then when to Monarchs, that have

N n 3

com-

|| That alienation of King *John* was suppos'd to have been an Act of State, and it has been adjudg'd particularly by particular Parliaments, That even a Statute for that purpose made would be of no force: It was resolv'd so in *Scotland* too.

commonly from Birth and Education, more Senſe than common Mortals ; that there is not ſo much as a Natural Brute, but will uſe what he can manage as his own, with all imaginable Care and Diſcretion. How tender and fond are the moſt ſtupid Animals? how do they moſt affectionately expreſs that paternal Love for the Preſervation of their little Young? how abundantly do they Evidence that Natural * *συνϋν*, with which Mr. Hunt gives us ſuch a deal of impertinent diſturbance? and why cannot the King of a Country, whom the Civil and Imperial Sanctions repreſent as the || *Father* of it too, be ſuppoſed to retain as much a paternal Care for its Conſervation? we do not find even in that their Free-State of Nature, or that Common-wealth of Wars, the Republick of unruly Beaſts, where there is the leaſt Relation, or reſemblance; tho perhaps they have power and opportunity, that they delight to devour and deſtroy, and much leſs do they covet the ruin of that, from which they can reap ſomewhat of Advantage by its Preſervation; why then ſhould we fancy Human beings, and the beſt of Mankind Monarchs themſelves, whom
th'

* Poſſ. C.
p. 113.

|| Princeps
Pater pa-
trix eſt, D.
I. 4. I.
Atrocious
eſt Patriæ
parentem
quam ſu-
um occi-
dere, Cice-
ro. in *Phi-*
lip. 2d.

th' Almighty has made * Gods too, to be guilty of so much Madness and Inhumanity? Where do we find the worst of Fools, designedly to destroy their Patrimony, though many times through Ignorance, they may waste them? and that tho there were no Laws to terrifie them from turning Bankrupts, or punishing them for Beggars, when they have embezell'd their Substance: Away then, Malicious Miscreants! with such sordid Insinuation, such silly Suggestions against your own Sovereigns, which your selves no more believe them likely to be guilty of, than that they would set Fire to all their Palaces, and Sacrifice themselves and *Successors* in the Flames.

* I've said
ye are
Gods.
Psalms.

But to Return to our Argument, they'll tell us perhaps, What signify the Sanctions of the Imperial Laws, and the Constitutions of an Absolute Empire to a Common-wealth, or a Council of three States that are Co-ordinate, or at most but a Monarchy Limded and mixt, and where whatever power the Supream Magistrate has, must have been first Confer'd upon him by the People; where the Parliaments have a great part of the Legislative, and their Sovereign in

* Hunt al-
lows that
himself
post. p. 95.

some sense but a Precarious Prerogative? what signifies the Authority of a *Britton*, or a *Bracton*, whose very works by this time are superannuated, who wrote perhaps when we had no Parliaments at all; at least || none such as now Constituted? I won't insist upon in answer to all this to show the Excellency of the *Civil* Institutions that obtain o're all Nations that are but *Civiliz'd*: I won't prove to them because already done, That we don't Consist of three States Coordinate in the Legislative; or that our Monarchy is Absolute, and not mixt, as I shortly may: But yet I'll observe to them here, † That the *Romans* themselves,

† Postquam populus Romanus Lege Regiâ in principem omne suum Imperium & potestatem solum contulit, ex illâ non, subditi sed etiam Magistratus ipsi subiciuntur. Zouch. Elem. p. 101.

tho by what they call'd their Royal Law they look't upon the power of the Prince to be conferr'd upon them by the people; yet after it was once so transferr'd they apprehended all their right of *Judging* and *Punishing* was past too. And for their vilifying these Antient Authors, and Sages of Law, who, did they Favour these Demagoges, would be with them of great Authority, and as mightily searcht into, and sifted; Should I grant them they

they were utterly obsolete, and fit only for Hat-cases, and Close-stools, that they both writ before the Commons came in play, for their further satisfaction I'll cite the same from latter Laws, not two hundred years old, and that our selves will say was since their Burgeses began.

And therefore to please, (if possible) these Implacable Republicans, I'll demonstrate what I've undertaken to defend; from the several Modern Declarations of our Law: For in * *Edward the Third's* ^{* Edward the 3d.} it was resolv'd that the King could not be *Judged*: And why? because he has no Peer in his Land; and 'tis provided by the very first Sanctions of our Establish'd Laws, by the great || Charter it self, their Act of Liberty, they so much Labour in: that not the meanest Subject can be Try'd or Judg'd unless it be by his Peers & Equals; much less so mighty a Mo-

|| Magn. Chart. cap. 29. No Freeman will we Imprison, or Condemn, but by Lawful Judgment of his Peers. Per parium iurum Legale Judicium: And my Lord Coke tells us they are to be understood of Peers of the Realm only when a Peer is to be try'd. Comment upon the very words. 2. Inst. which he more fully explains in's Comment, on the 14. Chap. of *Char.* where he says *pares* is by his Peers or Equals, for as the Nobles are understood by that word to be all *equal*; so are all the Commons too, ib. p. 29. Where note the form of this very Charter runs all in the sole Wil of the King.

narch

narch that has none : and a *Fortiori* then with lesser Reason by those that are his own Subjects, so far from being his Peers, or Equals, that they are together his Inferiors, which has made me think many times, these preposterous Asserters of so much Nonsense, these Seditious Defenders of those Liberties they never *understood*, did apprehend by the word *Pares* in the Law, not the common Acceptation of it in the *Latin* ; but only the abused Application of it, of our own *English*, only to our House of Lords: And conclude the King might be Judg'd by those we commonly call *PEERS*, because they sit in that Honorable House, and at the same to be Judg'd according to *Magna Charta*, that all Judgements be *per pares* : But does not each *Dunce* and every Dolt understand that the very Letter of the Law looks after this only, that every Person be tryed at the least by those that are of his own Condition; and that in the Legal Acceptation of the Word, every Commoner of the Lower House, nay every one of their Electors, is as much a Peer, as the greatest Person of the House of Lords: In short, they must put some such

such silly Seditious Exposition upon the plainest Letter, when they pretend to *Judge* their King, or else from the very Law of their own *Liberty* they labor in, allow that their King has no *Judges*.

In that Act against Appeals that was enacted in the time of *Henry* the 8th. 24. H. 8. c. 12. the very Parliament upon whom the People, and even these Republicans so much depend, tells us even in the very Letter of that Law, That it is Manifest from Authentick History and Chronicle, That the Realm of *England* is an Empire, That its Crown is an Imperial one, That therefore their King is furnish'd by the goodness of Almighty God, with an intire Power and Prerogative, to render and yield Justice to all manner of Folk, in all Causes, and Contentions: This by solemn Act is declared of their King, this Excludes the People from Judging of themselves, much more their Sovereigns: This the Resolution of a popular Parliament they would make even the Supream; and this by them resolved, even in Opposition to that Popery, these Pannick Fools so much, and so vainly fear. Do not the Books, the best Declarations
of

of the Law, let us understand, that which they against the Resolutions of all the Law it self, would so foolishly maintain, that it was resolved in *Edward* the 4th's time, That the King cannot be said to do any *wrong*, and then surely can't be *Judg'd*, by his very People for doing it, when impossible to be *done*? and was not this the Sense of † all the *Judges* and Serjeants of the time, to whose Opinion it was submitted? was it not upon the same Reason, a Resolution of the Law in *Edward* the 4th's time, that because the Sovereign could not be said to injure any Subject; therefore the Law never looks upon him as a disseisor, a disposseſſer of any Man's Right? and all the remedy it will allow you, is only *Plaint* and *Petition*. Does not my Lord *Coke* himself, that in several places is none of the greatest Assertor of the Right of the Sovereign, fairly tell us, * least it should be vainly fear'd they should reflect upon the King's own Misgovernment, all the fault should rest upon the Officers and Ministers of his Justice.

† Vid. 1.
Ed. 3. fol.
2.

Si Le Roy
moy dissei
fir pur
ceo que Le
Roy en
le ley ne
poit moy
disseisir il
né ferrá
appell. dis
seisor, mes
jeo sue mis
a petition
à Roy. 4.
Ed. 4. 25.
13.
* *Coke*
Comon.
West.
1. 2. Inst.
p. 158.

Does

Does it not appear from the || Statutes of Edward the third, that notwithstanding the strict Provision of the Charter, for the Tryal by Peers, that the King was still look'd upon as a Judge with his Council and Officers to receive Complaints, and decide Suggestions ; and tho, that, and the subsequence of the next year provide against *false* ones ; yet it confirms still the power of the King, to hear and determine them whether *false* or *true* ? Have they not heretofore answered, touching Freehold, even before their King and Council ; and a Parliament only Petition'd their Sovereign with all Submission, that the Subject might not be summon'd for the future, by a Chancery Writ, or Privy Seal to such an Appearance ; but this they'll say, was the result of the Sovereigns Usurpations upon the Laws of the Land, of a King Richard the 2d. *That did deserve to be deposed, as well as the Articles of his Depositions to be read : † a King that forfeited the executive Power of his Militia, for preserving worthless People, and was himself of little worth ; or as the most Licentious, and Lewdest Libel of a longer date has it : † a King that found Fuel for his Lust*

in

|| Stat. to pursue suggestions, 37. E. 3. c. 18. 38. Ed. 3. c. 9.

Parl. Gloucester 2. Ric. 2.

Brief History of Succession p. 7. † Plato Rediviv. p. 116. 234.

March.
Needham,
Merc. Po-
lit. n. 65.
Sept 4.
1651.

Hollinshead
3d. Vol.
Chron. F.
508. N. 50.

How's An-
nals p.
277.

Vid. Truf-
fel in
vit. R. 2.

in all Lewd and uncivil Courses: Now tho we have the Authority of the best of our Historians, for the good Qualities of this Excellent, tho but an unhappy Prince; and who could never have fell so unfortunately, had his Subjects served him more faithfully; tho Mr. *Hollinshead* tells us, never any Prince was more unthankfully used, never *Commons* in greater wealth, never *Nobles* more cherish'd, or the *Church* less wrong'd; and as Mr. *How* has it, in Beauty, Bounty, and Liberality, he surpass'd all his Predecessors; and *Baker*, the best among our Moderns says, there were a parent in him a great many good Inclinations that he was only abused in his *Youth*: but if he had been *GUILTY* afterward in his riper *Age* of some proceedings these *Republicans* had reason to reproach, I am sure he was *Innocent* of those foolish *Innuendo's* those false and frivolous Accusations, for which they rejected him, viz. for *unworthiness*, and *insufficiency*, when he never appear'd in all his *Reign* more *worthy* of the *Government*, than at the very time they deposed him, for being *unworthy* to *Govern*.

But

But whatever were the vices of that Prince, with which our virulent Antimonarchists, would blast and blemish his Memory; yet we see from the President that is cited, the Sense of his Subjects did not then savor so much of Sedition, as insolently to demand it, for their Privilege and Birth-right, which without doubt, they might have pretended to call so, as much as any of those, the Commons have since several times so clamored for with Tumult and Insurrection; and was indeed more to be condemn'd, than any of those Miscarriages, the Seditious and Trayterous Assembly, that deposed the same Prince, did ever Object; for if their Free-hold can't be call'd their *Birth-Right*, then there's hardly any thing of *Right*, to which they can be *born*: And yet we see, that the King and his Council, had heretofore Cognizance even of that, as it appears from the Commons Petitioning him against it, and his Answer, which was, That tho he would remand them to the Tryal of their Right by the Law, and not require them there to answer peremptorily; yet he did reserve the power, at the suit of the Party to Judge it,

Parl. Gloss.
cest.

His depositions within
the 25 of
Ed. Coke.
Treason.

it, where by Reason of Maintenance, or the like, the Common Law, could not have its Course; then we may conclude, that the judicial power was absolutely in the King; and this was also at a time, when this *Richard* the 2^d. was but a Minor, no more than thirteen years old, and so this his Answer, without doubt by the Advice of the wisest of his Council, and the most learned of the Land.

And for this reason; (notwithstanding it is provided by that Chapter of the Great * Charter, none shall be Disseised of his Freehold but by Lawful Judgment of his Peers; tho the Right was tryed before that sort of Statute, by common Law as my Lord || *Coke* observ's upon it; by the verdict of 12 Peers, or equal men,) yet still I look upon the King to remain sole Judge in every Case whether Civil or Criminal; for these Peers are never allow'd to try any more than bare matter of Fact, and the Sovereign always presides in his Justices to decide matter of Equity and Law: And those † very Laws to which he gives

* Mag.
Charc. 9.
H. 3. c. 29.
& Cap. 14.

|| 2 Inst.
pag. 49.

† The writ
of Con-
viction
was the
same with
an Attaint,
and that
was by

Common
Law too.
Coke 2.

Inst. p. 130.
Vid. 3.

Inst. p. 222. & 1. *Inst.* pag. 294. 13. and tho this Judgment is given by no stat. yet there are several Stat. that inflict penalty and that even in trespass where damages but 40. sh. 5. E. 3. Chap. 7. Vid. also 28. E. 3. c. 8. 3. E. 3. c. 4. 13. R. 2. and several other Stat. in H. 4, 5, 6, 7, 8th. times about it.

Life

Life too ; and whose Ambiguities he resolves, themselves also sufficiently terrifie the Jurors from pretending to give their own Resolutions, by making them liable to the severe Judgment of an Attaint, if their Verdict be found false, (*i. e.*) to have their Goods, Chattels, Lands, and Tenements forfeited, their Wives and Children turn'd from their home, and their Houses Levell'd ; and their Trees pluckt up by the Roots ; and their Pastures turn'd up with the Plough, and their Bodies Imprison'd : A sort of severity sufficient one would think to frighten the Subject from assuming to himself to decide the judicial part of the Laws ; and for this Reason, in all dubious Cases, for fear of their bringing in a verdict False ; they only find the Fact specially, and leave the determination of it to the King in the Judges that represent him.

And as this was resolv'd for Legal, even from the Common Usage and Custom of the Land ; confirm'd as you see by several Acts of Parliament ; so was it maintain'd also by those very Villains that had subverted the Government it self, and violated all the Fundamental Laws of all

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* Vid. *Lilburn's Tryal*. 24. Oct. 1649. Printed the 28. of November 1649. Page 3.

Ib. p. 121.

the Land; for when *Lilburn*, a Levelling, and discontented Officer, a Lieutenant of *Oliver's Army*, was put upon his *Tryal for Treason, only for Scribling against the Usurpation for which he had fought; and as he boasted to the Bench, to the very butt end of his Musket; against his Majesty at the Battel of *Brainford*; and the mutinous wretch only Troubled and Disgusted because he had not a greater share in that Usurp'd Power; for which he had hazarded his Life, and Fortune, when he came to be pinch'd too, with that Commission of High Court of Justice, himself had help'd up for the Murdering of his Sovereign, and his best of Subjects; no Plea would serve him, but this popular one, which the Lieutenant laboured in most mightily; that his Jury were by the Law, the Judges of that *Law*, as well as Fact; and those that sate on the *Bench*, only Pronouncers of the Sentence, (and truly considering they were as much Traytors by Law, as the Prisoner at the *Bar*; he was so far in the Right, that his Jury were as much Judges as those Commissioners that sate at the *Bench* :) yet even that Court only of Commission'd Traytors,

tors, and Authoriz'd Rebels, thought good to over-rule him in that point, and *Iermin* one of the Justices, just as Senseless in his Expression of it, as Unjust and Seditious in the Usurpation of such a Seat in Judicature, when no King to Commission him; In an uncouth, and clumsy Phrase, calls his Opinion of the Juries, being Judges of Law, *A Damnable Blasphemous Heresie, never heard in the Nation before*; and says, 'Tis enough to destroy all the Law of the Land; and that the Judges have interpreted it, ever since there was Laws in *England*; and *Keeble*, another of the Common-wealth-Commissioners, told him, 'Twas as gross an error, as possible any Man could be guilty off; and so all the Judges even of a power absolutely Usurp'd, and wherein they profess so much the Peoples Privilege, over-rul'd the Prisoner in his popular Plea.

Ibid. pag.
122, 113.

That contradicts directly out of their own Mouth the Doctrine of *William Pryn*, of his Parliaments Right to it

'Tis true, *Littleton*, as *Lilburn* observ'd to them, in one of his Sections, says, That an inquest as they may give their Verdict at large, and special, so if they'll take upon them the knowledge of the Law, they may also give it general: But the Comment of *Coke*, their own Oracle,

Littleton
Sect. 358.

Coke Com.
ibid.

Prideaux.
Liburn's
Tryal.
page 17.
Ibid. page
123

†13. R. 2.

ric, upon the place, confirms the Suggestion I have made of Resolving it into the King's Judges. For he says, 'tis dangerous to pretend to it, because if they mistake it, they run in danger of this Attaint; and tho the said Attorney General of those times, with his little Law, was so senseless as to allow it to *Liburn* in the beginning of his Tryal; tho at another at *Reading*, in that time of Rebellion, they made the Jury to be covered in the Court upon that account; yet you see those even then the Justices of the Land, tho but mere Ministers of a most unjust Usurpation, would not let it pass for Law. And the Refutation of this false Position, is so far pertinent to our present purpose, as it relates to prove the *Peoples* being so far from being qualified to be their Kings Judges, that they can not absolutely Judge of the mere Right of a *meum* and *tuum* among themselves.

Several other Instances, both the Books & Rolls abound with, that Evidence our Kings the only Judges of the Law in all Causes and over all Persons, for in the 13th. year of the same † *Richard* the Second, the Commons Petition'd again the

the King, that his Council might not make any Ordinance against the Common Laws, and the King Graciously granted them, but with a salvo to the Regalities of the Crown and the right of his Ancestors. The Court of *Star-Chamber*, which the worst of times Abolish'd, and my Lord *Coke* makes almost the *† best* of Courts, had heretofore Cognizance of property, and determin'd a Controversie, touching Lands contain'd in the Covenants of a Joynture, as appears in the Case of the *Andleys*, Rot. Claus. 41. *Edward the 3d.* There the King heard too a Cause against one *Sir Hugh Hastings*, for with-holding part of the Living of the poor of *St. Leonard* in *York*, as is Evident from the *Roll*. 8. *Edward 4. p. 3.* And tho the Proceedings of this Court, were so much decryed by those that clamor'd so long for its Suppression, till they left no Court of Justice in the Land, unless it were that of Blood and Rebellion, their *High one*; tho the King in his giving year was so gracious, that he made the very Standard, and rule of his Concessions, to be the very request of his People, and gratified them in an Abolition of this Court, establish'd by the Com-

† It is the most Honorable Court, the Parliam. excepted that is in the Christian World, of Honorable Proceeding, just Jurisdiction; A Court that kept all England in quiet, *Coke* 4 Inst. p. 65. and so it did till abolish'd by the Tumults of a Parliam.

An. 1641.
page

|| *Coke* 4.
Inst. C. 5.
† 3.H.7.c.
1.

|| *Cambden*
Britt. 130.

Coke 4.
Inst. p. 65.
63. ne dig-
nitas hujus
Curia vi-
lesceret.

mon-Law || and confirm'd afterward, per
† Act of Parliament ; yet || *Cambden*, our
Historian, as well as our *Coke*, our Law-
yer, could commend it for the most Ho-
norable, as well as the most Ancient of
all our Judicatories; and if they'll have
the Reason, Why it treated of Matters
so high, as the Resolution even of Com-
mon-Law, and the Statute, it may be
told them in the weighty Words of
their own Oracle ; Because the King in
Judgement of Law, as in the rest, also was
always in that Court, and that there-
fore it did not meddle with Matters of
ordinary Moment, lest the dignity of
it should be debased, and made contemp-
tible ; and tho by the gracious consent,
or rather an extorted Act of Grace, the
late King was forc'd to forego it ; yet the
Proceedings of some Cases there, may
serve to show what a power our Kings
had, and ought to have in all manner of
distributive Justice.

Several other Citations I could here
set down, to prove the Subjection of the
very Common-Law, to the Sovereign
Power ; as *Henry* the Sixth superseding
a Criminal Process, and staying an Ar-
raignment for Felony : *Henry* the Se-
venth's

Verney's
Case. 34.
H. 6.
Rot. 37.

venth's that debar'd the *Beckets* by decree, from pursuing their suit for Lands, because the merits of the Cause had been heard by the King his Predecessor, and also by himself before; but these will abundantly suffice to satisfy any sober Person that does not set himself against all assertors of his Sovereigns Supremacy. And then if Custom, and Common Usage, which *Plowden* in his Commentaries, is pleased to call the Common-Law; lies in many Cases Subject to the Resolution of the Supream Sovereign; no doubt but the Statute, the result of his own || Sanction, must of necessity submit, and acknowledge a subjection to the same Power, and that I think we have sufficiently prov'd already upon several occasions, both from the Letter of the *Laws* themselves, and our little light of Reason; both from Arguments, and † *Laws* that have evidenc'd their own Resolutions to be reserv'd to the King; and that we had Kings long before of the same opinion, when he says, Laws take their force not from those that devise them; but from the power that gives them the strength of Laws. † The seven Kingdoms of the *Saxons*, had all their Laws made by their 7. several Sovereigns, of which confus'd number the Confessor cull'd out the best, and call'd them after his own name, *St. Edward*; so did also the other *Saxon* and *Danes* Kings their own; after theirs, as you see in *Lambert's* Book of Laws.

|| 'Tis that which gives them Life as I have shown before, and makes them any thing besides waste Paper. And the judicious *Hosker* in his politics, seems to

fore the Commons Commenc'd, Conven'd, or Concur'd in their assent to such *Laws*.

'Tis prodigiously strange to me, that these mighty Maintainers of the *Peoples* Legislative, and their Judicial Power, even over their own Sovereigns, cannot be guided by those very *Laws* they would have to govern their *Kings*, thus you shall see a *Needham*, a *Nevil*, or a *Sidney* amongst our selves, in all their Laborious Libels, that the drudges of Sedition (who seem to verify the Sacred Text, in drawing Sin it self with a Cart-Rope,) in all that they tugg, toil and labour in; you seldom see that they cite you so much as a single Statute on their side; or if they do, only such an one as is either Impertinently apply'd, or as Industriously perverted: And in the same sort does the Seditious *Scot*, *Buchanan*, and the rest of the Books of their discontented Demagogues); that || *Northern Mischief*, that threaten'd us always with a Proverbial *Omen*, till averted of late by the Loyalty of their latter Parliaments, that have aton'd even for the last age and the perfidiousness, and Faction of the former) those all in their Libels, hardly Name you so much as one single Law of their

|| Omne
malum ab
aquilone.

their Nation, to countenance the Popular Paradox, the pleasing Principle of the Peoples Supremacy; which the poor Souls, when prescrib'd by those Mountebanks of the State, must take too like a Common Pill; only because 'tis gilded with the pleasant Insinuations of Natural Freedom, Free-State, Subjection of the Sovereign, Power of the People, and all the dangerous Delusions that lead them directly to the designs of these devilish Republicans (*i. e.*) a damnable Rebellion; whereas would they but submit their Senses to the Sanctions of the Laws of their several Lands, their Libels they would find to be best baff'd by the Statute Books, as well as their Authors to be punisht by *them*, for their Publication. 'Tis strange, that should not obtain in this Controversy, which prevails in all polemical disputes, that is, some certain Maxims and Aphorisms, Postulates and Theorems not to be disputed; these determin our Reason even in Philosophy and the Mathematicks; and why should not the *Laws* then in Politicks too, and where *they* are positive? sure 'tis Impudence, as well as Capital perhaps to oppose.

And

And yet we see these Gentlemen, of so little Law, to Labour so much in a dispute that is only to be decided by it ; what Authority is the singular assertion of a Republican, or a * *Plato Redivivus* , that the House of Commons is the only part of the old Constitution of Parliament that is left us ; or the single sense of || Mr. Sidney, that the Senate of England is above its Sovereign ; against the form of the very first Act of State that remains upon Record, the very † Charter these Democraticks adore ; against the form of the following one of the Forest, and Consult but the Style of the Statute Book, and all the Antient Acts, down to Richard the Second, and you'll find not so much as one, but what expressly points out in its Enacting part, the sole power of the Sovereign by which it was Enacted ; all in these repeated Expressions of Absolute Majesty. *We the Kings of England of our free will have given and grant-*

* pag. 21.

|| Tryal. p. 23. S. 2.

† Magn. Chart. 9. H. 3. know ye that we of our mere will have given &c. Chart. Forest. 9. H. 3. begins also with a we will. Stat. Hiber. 14.

H. 3. only a mere Order of the King to the Son of Maurice his Judge there ; the words we command you, Witness my self. Note that was even concerning Free-hold ; and a Case of Co-parcenary. The Stat. Bisex. 21. H. 3. tho concerning pleading, and Common Law, but an Order of the King to his Judges ; for the words are we ordain and Command you. Stat. Aliza. 51. H. 3. The King to whom all these shall come greeting. *de scacc.* the King Commandeth.

ed ;

ed; it is our Royal Will and Pleasure, the King Commandeth, the Kings Wills; our Lord the King has established, the Lord the King hath ordain'd. And most of them made in the manner of Edicts, or Proclamations, as in the Margin will appear, and tho'tis thought now such a piece of Illegality to be concluded by an Order of Council; and even his Majesties late command for the Continuance of the Tunnage, and the Resolution of the Judges about that part of the Excise which expir'd; has by some of our murmurers been repin'd at, tho by all Loyal ones it was as chearfully assented to; and as punctually paid; yet they shall see that the People heretofore paid, such a deference even to an Edict of the Prince that they nearly rely'd as much upon it as the Romans did upon their Imperial Institutions; who as I before shew'd, lookt upon it as a crime like to Sacrilege but to disobey. And this will appear from an Act of Parliament in *Hen-*

† 31. Hen.
8. c. 8.
Stat. Mert.
6. The
King our
Lord pro-
viding,
hath made these Acts, 2d. Inst. p. 101. *Westm.* 1. 3. *Ed. r. r.* The King willeth and commandeth. *Stat. Gaveler* even of altering the writ, which they say can't be done but in Parliament, Enacted by the King and his Justices. 10. E. 2. Stat. E. 3. several say; we will, we ordain so also several, R. 2.

H. 8

re the Eighth's time ; which provided ; that the Princes Proclamations should not be condemned by such *obstinate Persons*, and oppos'd by the willfullness of forward Subjects that don't consider what a King by his Royal Power may do ; and all that disobey'd were to be punish't according to the Penalty exprest in the Proclamation ; and if any should depart the Realm, to decline answering for his Contumacy and Contempt, he was to be adjudg'd a Traytor ; and tho the Statute limited it to such as did not extend to the Prejudice of Inheritance, Liberties or Life ; yet the King was left, the Judge, Whether they were Prejudicial or not ; and these Kings Edicts by this very Act were by particular Clause made as binding, as if they had been all Acts of Parliaments ; and that it may not be said to be an *Inconsiderate* and *Unadvised* deed of the Parliament, to give the King such a Power ; (tho 'tis hard to say so of a Senate, whom the * writ that convokes them says, they are call'd to *deliberate*.) To avoid that imputation, I must tell them it was very Solemnly a Second time Confirm'd again, within three † years after ; and by that Power given to nine of the Kings

* Coke 4.
Inst. c. 1.
Parl.

† 34. H. 8.
c. 25.

Kings Council, to give Judgment against
all Offenders of the former, and that this
was repeal'd in the following Reign of
King Edward a Minor, and almost a
Child, A time wherein notwithstanding
there is such a word denounc'd against
a People that have such a King, yet the
Subjects seldom fail of Invading some-
thing of the Prerogative; yet still we see
tho the *Law* be not now in force, plain
matter of Fact, that there was once such
a *Law*; that our Kings Proclamations
were once by express words of the Sta-
tute made as valid as the very Act of
State it self that made them so, that the
Judicial Power of the Prince was heretofore
less limited, and that their Li-
bels lye, as well as their lewd Tongues
when they tell us, and would have us
believe, That none but our late King as
well as the present ever pretended to so
much of Prerogative, or had more allow'd
them by the *Laws*.

Plato Re-
div.

And let any one but leisurely examine, as I have particularly, the several Acts of each King's Reign; and he'll find that from this *Richard* the Second, to whose time, the Stile of the Statutes as you see was in a manner absolutely Ma-

That the
form. 1. H.
4. H. 3.
H. 6. Ed.
4. Rich. 3.

Then be-
gins the o-
ther. 1. H.
7. H. 3.
Ed. 6. Q.
Mar. Q.
El. Jac. 1.

Wil. Pry's
Power of
Parliam.

jestick down to King Charles the Martyr,
even all those are pen'd in such Words,
as will exclude the Commons from being
Co-ordinate, and so much concerned in
the Legislative, as their popular Advo-
cates have pretended to persuade us their
People are; for even they all run either
in this form, The King with the Ad-
vice and Assent of his Lords Spiritual,
and Temporal, at the special Instance,
and Request of the Commons; or The
King, only and with the Assent of his
Lords Spiritual, Temporal, and Com-
mons; and as if the past Parliaments,
themselves would have provided against
the Seditious Sophistry of a *faine* Age,
which they could hardly be thought to
forget, since it favors so much of almost
unimaginable Nonsense and Sedition, as
if our Ancestors, had feared least some
of their profligate posterity, seduced
with the Corruptions of a rebellious
Age, should impose upon the Preroga-
tive of the Crown, with any such Subtil
Insinuation of their King's making but
one of the three States, and by Conse-
quence conclude, as they actually did,
that the two being greater than him a-
lone, could be his Judges, and their own

So.

Soveraign's Superiors; why to prevent these very Rebels and Republicans, in such Factious Inferences, did they, for two hundred years ago, in the first of *Richard the Third*, Resolve what was signified by the three Estates of the Realm: For say they, *That is to say*, the Lords *Spiritual, Temporal, and Commons*; and even long since that, much more lately, but in the Reign of *Queen Elizabeth*, in that Act of Recognition of her Right, where they endeavor to advance her Royalty as much as possible they can, and to make the Crown of this Realm as much Imperial, there they tell her, 'Tis *W E E*, your Majesties most faithful, and Obedient Subjects, that represent the *THREE ESTATES* of your *Realm of England*; and therefore in *King James*, and *Charles the First's* time, when the Commons began to be mutinous, and encroach upon the Crown; then they having with the help of their *numerous* Lawyers, which were once by particular Act, excluded the House; and if less had Sate in it, perhaps it might have been once less Rebellious too;) those Gentlemen knowing too well the weight of Words; and what Construction and Sense,

Exact Abridgem.
Fol. 117.
p. 1. H. 3.

Keeble
Stat. 1. El.
C. 3. and
does not
their own
Oracle
tell them
so L. Cole
4 Inst. C.
1 Parliam.

H. 6.

4. Inst.
Stat. de
Bigamis,
concorda-
tum per
Justicia-
rios. 2. Inst
ibid.
Stat. West.
2. 13. Ed.
1. Domi-
nus Rex in
Parlia-
mento suo
Statuta e-
didit 2.
Inst. 331.
Stat. Cir-
cumspecti
agatis. 13.
Ed. 1. be-
gius. Rex
talibus Ju-
dicibus
Solutem
and tho
some
would not
have it an
Act of Par-
liament,
my Lord
Coke says,
'tis prov'd
so by the
Book, and
other Acts
2. Inst.
page 487.

Sense, Sedition and Sophistry can deduct from a single Syllable, I am confident it was *they* contriv'd the Matter and Method so, as to foist in the Factionous form of this; Be it enacted by the King, Lords and Commons; for that is the General Stile of the Enactive part of most of the Statutes of those Times; and this was most agreeable with their mighty Noti- on, of his Majesties making but up one of the *THREE*; that so they might the better conclude, from the very Letter of their own Laws, That the *TWO* States which the Law it self implied now to be Co-ordinate, must be mightier, and have a Power over their King whom the same Laws confest to be but *ONE*; and the Reason why the forms of their Bill. and the draught of the Lawyers, and the Lower-House, might be past into Act, without any Alteration or Amendments of this Clause, was, I believe, from a want of Apprehension that there ever could be such designing Knaves, as to put it in to that Intention, or such Factionous Fools, as to have inferred from it, the Commons Co-ordinacy: For the Nobility, and Loyal Gentry, that have commonly the more Honesty
for

for having the *less* Law, cannot be presumed so soon to comprehend what Construction can be drawn from the Letter of it by the laborious cavil of a Litigious Lawyer, or a cunning Knave; and therefore we find, that those Acts are the least controverted, that have the fewest Words, and that among all the multiplicity of Expressions, that at present is provided by *themselves*, that have commonly the drawing of our Statutes; *themselves* also still discover as many Objections against it, to furnish them with an Argument for the Merits of any Cause, and the Defence of the *Right* of their Clyent, at the same time they are satisfied he is in the *wrong*: And for those Enacting forms of our Statutes, whatsoever Sense some may think these Suggestions of mine may want; That some Seditious Persons got most of them to run in so low, so popular a Stile in the latter end of King *James*, and *Charles* the first's time; such as Enacted only by the Authority of the Parliament, by the Kings Majesty, Lords and Commons; yet upon the Restauration of *Charles* the Second, the Words, *With the consent of the Lords and*

P p

Com-

21. Jac. 1.

C. 15.

6. Car. p. 1.

C. 19.

12. Car. 2.

C. 25.

Stat. 2. 13.

Car. 2d.

13, 14.
Car. 2. C.
10, 19.
Car. 2. 8.
25. Car. 2.
C. 1. 25.
Car. C. 9.

Commons, were again reviv'd; and afterward they bring it into this old agen, With the Advice and Assent of Lords Spiritual, Temporal, and Commons, according to the form of *Richard* the 3d. and Queen *Elizabeth*, that resolv'd them to be the *THREE STATES*, and this runson through all the Acts of his Reign, and even in several of them the Commons *humbly beseech* the King, that it may be so *enacted*.

Buchanan and his Disciples in *Scotland*, maintain'd the same Doctrine of the King's Co-ordinacy; and therefore their Acts in the Rebellion too, ran in the Name of the *three States*; But when the King was returned to his

I thought it necessary to bring home to our present, tho most profligate time, as much Acknowledgement as possible I could of my Kings Prerogative, from the Laws of our Land, and the very Statutes themselves, because that some great Advocates for the power of the People, some times pretend to plead for them too from Acts of Parliaments, tho I think in this last, lewd and Libellous Contest against the Crown, that lasted for about five year, in that Lustrum of Treason; there was but *one* that was so laboriously Seditious, so eminently popular, as to endeavour to prove the Peoples Supremacy from Rolls, and Records,

Crown, and they to their Obedience, the old form was retrieved, *The King with advice and consent of.*

and

and Acts of State, and for that recommend me to the good Author of the *Right of the Commons Asserted*, tho I should rather approve of such an undertaking, when endeavored to be done from the tracing the dark and obscure tracts of Antiquity, and the Authority of a *Selden*, than the single Assertion of a *Sidney*, and the mere Maxims of some Modern Democraticks, that have no other Foundation for their Establishments, than the new Notions of their Rebellious Authors, and that *ipse dixit* of such Seditious Dogmatists: But I am satisfied too, that this Gentleman who has laboured so much in vindicating the Commons Antiquity, and their constituting an essential part of our *Saxon* Parliaments, did design in it much more an Opposition of our Antient Monarchy, and the Prerogative of the Crown, than a mere clearing the dark foot-steps of our Old Chronicle, and a real defence of Matter of Fact, and the Truth: And this is too clearly to be prov'd from the pestilent Pen-man's, *P.'s* own Papers, that were publish'd at such a time, when there was no great need of such an *Asserting* the Commons *Right*, when themselves

were more likely to have Usurp'd upon the Crown, and (as Mr. *Sidney* and his Associates would have it,) made themselves and the *People* Judges of their own *wrong*: For to see such a task undertaken at a time, when we are since satisfied such dangerous designs were a-foot, looks only like a particular part of that general Plot and Conspiracy that has been since discovered, and that all sorts of Pens were employed, as well as all Heads, Hearts, and Hands at work, for the carrying on Mr. *Sidney's O L D CAUSE*, (as indeed all this Gentlemans Works tended to,) for which the Almighty was supposed so often to have declared and *signaliz'd* himself: and illustrates only this, That there was not any Person qualified for undermining of our Monarchy, either from his Wit or Parts, Boldness or Courage, from his Virulency in Satyr, or his Knowledge in History, from his skill in any Science, or Profession, but what some or other of the most eminent was made Serviceable to this Faction, and contributed his Talent to the carrying on the Design, according to the gift and graces that they had in their several Abilities to
pro-

promote it ; neither can this Gentleman think himself libell'd in this Accusation, unless he would give his own works the Lye ; for who but him that had such a Design for the subverting our Monarchy, would, at a season when the Succession of our Crown was struck at in the Commons Vote ; a Succession that several Laws of our Land have declared to be Hereditary even by that of God? who but one so Seditious, would not only have encouraged such *unwarrantable Proceedings* (which was the late Kings own Words for't) in such an Assertion of the Commons Right? but in that too brought upon the Stage several Arguments from our History, several Presidents of our Sovereign's being here Elected by their Subjects, when they might as well too tell us, That our present Sovereign was so chosen, because the Question was put to the People upon his Coronation ; but yet this elective Kingdom of ours, did this Laborious drudg of Sedition drive at too. Does he not tell us *William Rufus*, and several others were Elected, that is, *Henry the First, King Stephen, King John* ; tho I am satisfied, that consent of the Clergy

Car. 2d.
Speech to
the late
Oxford
Parliam.

Pety's,
Right of
the Com-
mons. as-
serted
from his
Cleri &
populi
consensu.

P p 3 and

and People, they so much rely upon, was nothing more than the Convention of those Persons that appeared upon the solemn Coronation, or at least, the Proclaiming of the King. Themselves are satisfied all our old Statutes clearly confirm'd the sole Legislative Power of the Prince, and therefore they won't, when they are objected to them, allow them to be Statutes at all, because made I suppose only by their King; but so my Lord Coke says, they said of the Statute of *Edward the First*, which notwithstanding he calls an Act of Parliament; but yet however we see that the Style of all other Acts of Parliament, put all the enacting part in the power of the King, so that Mr. *Sidney's* making his People and Parliament the Supream Judges of their Kings violating the Laws, is only a Position that opposes every Act in the Statute Book, from the *Great CHARTER*, to the last grant of our late King *CHARLES*.

But our Author Triumph'd, as he thought, over his Adversaries in forcing back their own Argument upon his Foes; for says Mr. *Sidney*, if no man must be Judge because he is party, then neither the King,

4. Inst.

Trial
pag. 24.

King, and then no man can be try'd for an Offence against him, or the Law; I confess with such a sort of disputants as are resolv'd to beg the Question; and take their *Premisses* for principles of eternal truth, you cannot avoid the *Conclusion*, tho it be the greatest Paradox, and an absolute *Lye*; for he presumes the Parity of *Reason*, and then concludes they are both alike *Reasonable*; he takes it for granted, the People may judge the King tho party, as well as the King the People, who must be suppos'd as much partial; and that is truly just as if he had said, *when we believe as they do, and what then?* Why then we shall be of their mind, (*i.e.*) that it would follow the King or his Judges, could not hang a Fellow for Felony, or this Author himself for a Traytor to the State: Nay more, as the Gentleman has manag'd the matter; it is made an Argument *a Fortiori*; for he supposes the Absurdity to be such; that if the King in his own Case must Judge the People, and not the People the King in theirs, that this Contradictory Consequence would be as much conclusive; That the Servant entertain'd by the Master must Judge him; but the Master by

ASophista
Logician,
call the
Petitio
principi.

Page

P p 4

no

* Vid. Paper at his Execution. He has too that Old Seditious Aphorism us'd by *Junius Brutus*, & all the rest of the Republicans, *Singulis Major Tryal*. p. 23. tho in the next paragraph, he is no more than any of his Subjects. || This Gentleman seems only to have translated that Authors own words, non populus propter Magistratus sed Magistratus propter populum fuisse creatos.

no means must the Servant ; or in the Metaphor of his own more Blasphemous Sedition, The Creature is no way bound to its Creator, but the Creator it self to the thing it has Created : and now all is out, and all the large Volume, all his mighty Treatise, not to be finisht in many years, is founded upon that first Principle of all Republicans ; The Peoples Supremacy, or as Mr. * *Sidney* says, the Sovereign being but a Servant to his Subjects ; a Creature to these God Almighty of the People the Creators of their Kings ; truly this they are resolv'd we shall grant ; or as resolutely suppose we cannot Contradict, and so put upon us *their* presumptive absurdities for our own ; and make them the Consequence of those Concessions that were never yeilded ; who taught this Gentleman, who granted him that the Magistrate was the Peoples Creature, but a *Brutus* in his *Vindiciæ*, or that as abominable a Book *De jure Magistratum* ? and for this must it follow that *Filmer* is so absurd, only because he does not suppose the very pernicious principles of those very Rebels and Republicans he endeavours to refute ? It is an easy sort of a Conquest, and

and you may soon prove your Foes to be Fools too; if you'll oblige them to maintain their own positions, from the Contradictory Maxims of their Enemies they oppose; and this Collonel that once was a Souldier, and in Arms for his Commonwealth; as well as a Polemical pen man against the Monarchy, would soon have remain'd sole Master of the Field; had the Measures of his Foe been forc't to be taken from the Rules and Maxims of the Enemy which he fought; and many would think the Man a little mad, that could imagine two Armies that faced in their Fronts, to meet so as to stand upon the same ground. It can't be well effected without a penetration of body, neither can Mr. *Sidney* conclude us in that absurdity, unless he would make us mingle Principles; a thing perhaps as repugnant to our Nature, as that præternatural Coition of Matter; for have we not all the *Laws* of our Land on our side? and that besides Sense and Reason, to whose determin'd sanctions even those themselves must submit; for I look upon our Argumentative reasoning in such matters to be somewhat like *Belief*; which all our Learned in the Metaphysicks will allow

to

to determine it self upon demonstration, and Commences knowledg'd; and a science; and so must our Positions at last in the Politicks, no longer pass for indifferent Notions or disputable Opinions, when they come once to be ratified by some supream Establishment, or unquestionable Authority; for as the result of demonstration is some Theorem or Postulate, that requires our assent, so are the Sanctions of the Supream power some Statutes, or Laws that Command our Obedience; as the one is prov'd, so the other Enacted; and let any one Judge from the several we have cited, or any single Act themselves can cite, whether all and every one do not expressly assert, or absolutely imply, the Sovereign so far from being the Servant of the Subject, or the Peoples Creature, that they many times maintain him to be || under none but God; and in all places acknowledge him *above all* the People; and is not the absurdity on their side, and a Contradiction even in Terms, when they contend for the contrary?

|| 16. R. 2.
C. 5.

And as that Author, of the Right of the Magistrate, and the like writings of the most Eminent Republicans led on and seduc'd Mr. S. in some Points; so has al-

so

so his predecessor, or Co-eval (for I think they liv'd in an Age) *W. Pryn*, imposed upon him in others; and I am sorry to see Mr. S. that valu'd himself upon his parts to rely upon that which that pest of the press plac'd so much confidence in, and that are the words of * *Bracton*, where he says, as Mr. S. would have it, *God the Law* and the *Parliament* are the Kings three Superiors: But even *Pryn* himself, the perverter of all that was not for his purpose, does not deal so disingenuously as this Gentleman in the Case; for he recites it more Exactly as it is in *Bracton*, which is, the Kings *Court* instead of the *Parliament*, which in the time that Antient Author writ, very probably consisted only of his prelates and Lords; so that if granted them, *Pryn's* Commons, and Mr. S. his People of *England*, are not comprehended in the words of that old writer, and then besides it is the opinion of some, that those words the *Laws*, and the *Kings Courts*; were not originally in the writings of that Loyal Lawyer, who in several other places of his works, carries up the *Divine Right* of his King, and that absolute Power of his Prince, as high as any of the most Modern whom || Mr. *Hunt* has represented

* Deum
Legem &
Parlia-
mentum.

|| Post-
script.

† Hen. the
3d's time
Bracton.
lib. 4. cap.
24. § 5.
Rex sub
nullo nisi
tantum
Deo. and
l. 5. tract.
3. non ha-
bet supe-
riorem ni-
si Deum;
satis habet
ad penam
quod Deū
expectat
ultorem.

ed and libell'd, as first introducers of this new Notion, this dangerous, and damnable Doctrine; for that grave Judge for above 4 or 5 hundred years ago; told us our † King was under none but God; that he had none above him but God, and that he had God alone for his Avenger; and it seems somewhat Improbable a person of his Loyalty and Judgment should not only detract from the Supremacy of his Sovereign, which he seems so much to maintain, but also in direct opposition to what himself had asserted, and besides were they the sense as well as the words of that Author, they are only true (as I have before shown) when they are taken collectively & in a complicated Sentence, and so seems a sort of Sophistry which the Logical heads call a fallacy in Composition: But yet from that does Mr. S. conclude, That the power is Originally in the People, and so by Consequence in the Parliament, only as they are their Representatives.

For my part, I cannot Imagine this Gentleman's large Treatise to be any thing else but a Voluminous Collection, of all the Rebellious Arguments that were published in our late War; for as in this little fiftieth part of it, (as he professes it to be) there is not one new Notion but what

Paper at
his Execu-
tion.

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is to a Syllable the same with the Papers of *Pryn*, and the *Mere. Politicus*: out of the Author of the *Treatise of Monarchy*, has he made a shift to borrow, or else by chance very harmoniously to agree in the pernicious Position, That our Monarchy is not only *Limited* and *Mixt*; (for that wont content them alone) but that this Limitation has oblig'd the Sovereign to be Subject to the Judgment and Determination of Parliament, for says that more Antient Antimonarchist, this Limitation being from some body else, and the power confer'd by the publick Society, in the *Original* Constitution of the Government, (and then he bethinks himself that Kings too may Limit themselves afterward by their own Grants and Concessions; which he is pleased to call a *Secondary Original Constitution* (*i. e.*) (if my little Sense will let me Comprehend the saying of a Politician that has none at all) somewhat like a Figure in Speech; the Country-man calls his Bull; us'd when the Speaker can't express himself Intelligibly: A *Secondary Original*, sounds not much unlike the Nonsense of an Original Copy; or a second first,) yet from this senseless Sophistry it must be concluded; that the Sovereign being limited by this Original

Treatise
of Monar-
chy, p. 12.

p. 17, 18.
Imperium
et filatissime
ex lege Regia
propter
Augustum, pate-
ret, certis
tamen li-
mitibus
definitum
de jure
magist.
p. 29.

|| So the
Roman Sen-
ate when
Augustus
was not so
much as
present
freed him
from all
obligati-
ons.

* The Lex
Regia
princeps
legibus so-
lutus est
l. princ.
de legibus.

ginal Constitution; or as they call it; Af-
ter Condiscent, and Secondary Orig-
inal; what then? therefore every Mans
Conscience must acquit or Condemn
the Acts of his Governour, and every
man has a Power of Judging the Illegal
deeds of his Monarch. And so Mr. S. in
almost the same Language; As a man he
is Subject to the People that made him
a King; That he receiv'd the Crown up-
on condition, and That performance is to
be exacted, and the Parliament Judges
of the Particular Cases arising thereup-
on. I cannot but observe to this Gen-
tleman upon this, (who was always such a
great admirer of the || *Romans* Common-
wealth) what I hinted before was the
Sense of the very *Romans*, when accord-
ing to their *own* Notion of Original Mo-
narchy; the People of that Common-
wealth, first conferr'd their Power of
Government upon a single Sovereign;
why, their very Laws tell us, That not-
withstanding those Contracts and Limi-
tations, (of which there were very likely
some exprest even in that their very Ce-
lebrated, and Glorious * Law, that first
made that Government Imperial,) yet
when once it was so Conferr'd, by that
very Act, all Magistracy; (*i. e.*) all pow-
er

er of Judging that the Subject had before was past over too : And were our own Monarch by the Compact, and condiscient of his first Ancestors, such a precarious Prince as they would make him ; have not our own Statutes I have cited, long since resolv'd his Crown to be Independant, and himself accountable to none but God ?

And then abstracting from that Advantage we have of the Resolution of the Law ; Reason it self, against which our Republicans rebell too, that also will refute the absurdity of such a Position ; For first, where for God's sake would they fix this their preposterous power of Judicial Process ; if in some single Persons, then the Concession of their own renowned Aphorism will fly in their Face ; for that allows the Sovereign to be much superior to any Selected number of his Subjects ; and they won't be such Senseless Sots sure, as to say, That those whom themselves acknowledge to be altogether inferior, should be invested with that Judicial Power, which is the highest token, and sign of Supremacy, if they'll place it as Mr. *Sidney* forsooth does in the Original power of the People, delegated unto Parliament, then should that be granted them, when ever this Parliament is dissolved,

Major singulis Junibus Brutus, Vindic. de Jur. Mag. Will. Fryn Parliam. Right. Buchanan. Sidney Tryal p. 23.

Coke Lit-
leton 291.

Tryal
page 26.

solv'd, if their King be never so great a *Delinquent*, (for I think they may as soon make their King so, as they did foolishly those that followed him in the late Wars, when the word implies a *Deserting*, and the Law only calls them so that adhere to the King's Enemies,) then I say, if their Sovereign be never so much a Criminal to the State, upon such a Dissolution, they devest themselves by their own Maxims of this power of Judicature, and so put it in the power of the Monarch, or the Prince at any time to blast all his Judges in a moment, and dissipate them all with the Breath of his Mouth; and therefore *Mr. Sidney* was so wittily Seditious, as to foresee such a Consequence, and for that Reason very resolutely does deny what some of our more moderate Republicans will allow, That the King has a power of Assembling, and Dissolving a Parliament: But this piece of pernicious Paradox, a Position so false, that some of them themselves are asham'd to own, has been already refuted, and prov'd from the very Laws of the Land, to be an absolute Lye, but our Author having plac'd himself, and his People *above* the Law, tho (it was his hard

hard fate to fall *under* it ; and made the *Subject* Superior to those Sanctions, to which *themselves* acknowledge none to be so, but the *Sovereign* from whom they proceed, all the Satisfaction such a Person can receive from the Statutes, must be from something of Reason, that is, the result of them ; and 'tis such an one as relates to their own Positions : For they say, therefore the Sovereign is obliged to submit to the Laws of the Land, because he accepted the Crown upon such an Obligation ; and shall it not, Seditious Souls ! be as good a Conclusion, To say the People have passed away the power of Assembling themselves, when they have passed their own Act for being by their King Assembled ?

Then in the next place, if this *Original* power of this People be delegated to this Parliament, it would have been much to the purpose for some of them, to have shown us from whence this People had this Original Power : Certainly, if any, it must be deriv'd from God, Nature, or somewhat that's Sovereign : But for the Almighty ; In all the sacred Texts, there's not a syllable of such a Legacy left them, but abundance of the

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bequest of it that is made to Kings : For Nature, there is nothing from it more evident, than a whole series of Subordination, and that to single Sovereignty, (setting aside even the paternal among Human Creatures,) almost to be made out among Insects and Animals, Bees and Beasts. And if some King indulged this their People to appropriate to themselves all the Supreme Power, (which we never heard of any of ours that did; or to participate part of their Prerogative, which we know many Indulgent ones of ours to their Parliaments have done,) then still this their power can't be *Original*, because 'tis derivative; and I dare swear no Prince ever granted them a power of being Superiors, as they must be if they would Judge him, or ever accepted a Crown upon that Condition, supposing it were as they would have it, conferr'd: For the very Act of being such a *Conditional* King, would *absolutely* make him none at all; and therefore those whom the *Lacedemonians* compounded withal to be regulated by their *Ephori*, were in effect not so much as the Dictators of *Rome*, and so not to be reckon'd to Reign as Crown'd Heads, or mentioned

among those that we call our Monarchs.

In the third place, if by this *Original* power of the People, delegated to the Parliament, the two Houses are constituted the Judges of their King, I cannot see how Mr. *Sidney* could avoid, or any of his Associates can, this Grand Absurdity, and as great a Lye; that the Parliament have a Natural Liberty, not only to Judge, but to lop off the Sacred Head of their Liege-Lord, and Sovereign: For 'tis certain they can have no more Authority than the People they represent; and 'tis as certain they must have as much: Now this *Original* Power must be a *Natural* one, because not deriv'd from any grant; and then this Parliament of theirs must have an *Original* Power by *Nature*, tho it be but to commit the most *unnatural* Barbarities: I confess we had such an one, that upon the same Principles proceeded to the perpetrating that most Execrable Treason; and the very Villany, that any time may be the Consequence of such Positions: A Parliament which this good Author presided in, or very well understood; the Scandal of our own Nation, and

Tryal
pag. 22.

De jure
Magistrat.

Brutus.

the shame, and reproach of our Neighbors : now I say, If this his Original power of the People be delegated to this Parliament, as Mr. *Sidney* says it is, then this Parliament hath a Natural and Original Power of being their King's Judges, because their People has it whom they represent; I confess this is a Bar beyond the Seditious Doctrine of their Author in his Right of Magistrates : For he is mighty solicitous, least he should be misapprehended as if he design'd the common People should judge their Sovereign ; therefore tells us very carefully none but the subordinate Magistrates themselves can Judge the Supream ; and their *Brutus*, that succeeded that Assertor of Rebellion, says, such only as the *Spartan Ephori*, and the seventy of the *Israelites*, the *Centurions*, or *Equestres* among the *Romans* ; and if the People had any Right to this Judicial power, those Miscreants more modestly place it among the most eminent, whereas our brisker Assertor of this Anarchy makes it out, That therefore our more eminent Memberships have this Original Power, only because Communicated them from the meanest People ; so that now we have a Par-

Parliament, that has an Original, Natural, Liberty of the *People*, tho' their very Constitution it self, commenc'd from the very Grant, Grace, and Favor of the *King*. I could never meet with any Record yet; that rehearsed these Privileges of Parliament; But we have many extant, and Presidents even of the House of Commons themselves, that their Privileges, and much of their Power proceeds from the Liberalities of their *Prince*, more than this Natural Liberty of the *People*; not to mention, that their very being was first the result of such an Act of his Grace; for from whom, pray, had they that freedom of Speech, they upon every Session desire by their *Speaker*, but from that King before whom they are to *Speak*? who is it that fills their Chair, those that *present* him; or the King, that *accepts* or disapproves whom they have *presented*? who is it that gives them access to his Person; the Commons that desire it, or he from whom 'tis desir'd? 3. Lastly, who impowers them to consent to a Bill; those that supplicate his Majesty would be pleased to *enact*, or his Majesty that says, *Be it enacted*? could this Natural Original

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power of the People be communicated to their Representatives, the dispute about the Commons Right would be carried for ever on their side; and we need not date their Original from Henry the Third, or the *Barons Wars*, or from the *Saxon Heptarchy* it self; to be sure they then had their Representatives; as soon as they had this Power, and this Power it seems was as soon as they were a People: And by this Original Power, which they delegate, for ought I see they may by the same rule, as well retain it, suffer no Representatives at all, but assemble themselves, and exercise the Sovereignty.

If the People delegate an Original power, and a Natural Liberty to this Parliament; it cannot certainly be comprehended how these Parliaments as now constituted, could commence by the Grants and Concessions of the Prince; and yet all will allow, tho they disagree in the time, that they did begin at first to be so Assembled by the Bounteous Permission of the King, and that all the Privileges they claim, were the result of an entire Favour of the Sovereign, and not the Original freedom of the Subject;

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if they'll call that an Original Power to send Representatives, it must be somewhat like that Author's *Secondary Original* we so lately consider'd; and that tho they prescribe to it for this seven hundred year, as well as they cannot for above four or five 100, still it will recur to this, That this first power was the Grant of the Crown. And these prescriptions as themselves allow, being whenever they begun, the result of the Sovereigns Bounteous Permission; I cannot see why those Immunities may not be resign'd to the same Crown, from which they were once receiv'd, or those Franchises (for prescription it self in this case is properly no more) may not be *Absolutely* forfeited, by those that at best can but be said to hold them on Condition. I know the Common Law Favours a Prescription so far, as in Inheritances, to let it have the force of a *Right*, when their cannot be made out any other Title; but this I look upon to be of another Nature, when the Original of what *they* prescribe too, by their own Concessions was the Grant of their King, and even this Common Law; commonly in all its Customary Rules, excepts the Pre-

* Case of
Usurpation. *Coke*,
1. Inst. 344.
B. The
Preroga-

tive of the King is given by the Common Law, and is part of the Laws of the Realm. *3. Instit.* p. 84. *Stranf.* pl. C. 62. a Prerog. 5.

I urge this because it is both apposite here, and a Case upon our late Elections much controverted, and to say as some do, That such a Prescription cannot be forfeited, proceeds from a confounding of the word in this Case, with that Prescription, by which some of them have a Title to their Estate: for their Common Objection about this their Elective power is, That the King may as well deprive them of their Birth-right: when this their Birth-right might commence by an Original Right, but the Power of this Electing must Necessarily, and Originally first come from the Crown: But yet they know too, that this their very Birth-right, is in many Cases forfeitable by their own Act to the Crown; and for their Burgeisage it self, should we abstract from that Elective power that attends it, nothing else but an Ancient tenure of their very King: And if in the Saxons time (as the popular advocates would persuade

Burgeis an
Ancient
Town holden
of the
King. *Coke*
1. inst. 154.
A:

† P. 5

suade

suade us,) the Commons were call'd to sit in Parliament, 'tis certain they could not come as Burgesses too, for all that *Borboe* in their *Toungue* signified, (if we can believe my Lord

|| *Coke*) and from which the word *Burgh* was since deriv'd; its signification was only this. Those ten Companies, or Families, that were one another's pledge; and so should they

prove it to us as clear as the Sun, as well as they have left it much in the dark; still those their Commons could never be of those that had any Right to come; but only such as the Grace of the King should call: and even in *Edward* the first's time, those very Barons, (some say) that were only most wise, were summon'd by the King, and their Sons, if they were not thought so prudent as their Fathers, were not call'd to Parliament after their Fathers death. Therefore since Prescription, since Parliament it self depended all heretofore

|| *And* Our Neighbour Kingdom of Scotland had Parliaments not above 700 years ago, and even their Republicans will allow they had Kings long before, than call'd only the *Preeres*; as a worthy author of theirs observes, Sir G. M. Jus. Reg. That their old Laws run just like ours here, the Kings only Acts, and that their Burgesses did not begin, till about 300. year ago. Which makes it more likely that our own was not summon'd much long before; for tho they were different Kingdoms, yet Neighbouring Nations, and might nearly follow our Innovations, when in a thing that must be lik'd by all Subjects.

fore upon the pleasure of the Prince, I cannot see how the Subject shall ever be able to make it his *Original Right*, and tho some are so bold as to say, such a prescription cannot be forfeited or resign'd by the Subject, resum'd or restor'd to the Crown; (for they must maintain those propositions, or else they have no reason for their Murmuring, since there has been none alter'd, or destroy'd; but what has been by Inquiry of the Kings *Quo Warranto*, or their own Act of Resignation) yet sure if the Common Law did not favour the King in this Case, Common Equity would, since those Privileges were but the very Grant of his own Ancestors: But if we must consider nothing but Mr. *Sidney's* Original Power and Right and all that lodg'd in his good People of *England*, it may be their Birth-right too to Rebel, they may and must Murder their Monarch, and that by their own Maxims, when they think him not fit to Govern, or Live.

I have heard it often said, that the Members in Parliament represent the people, and for that Reason are call'd their Representatives, but if this Original Power which is delegated to them up-
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on such a Representation; must Subject their Sovereign, (as Mr. S. will have it; to these his Judges of the particular Cases arising upon such a Subjection;) then they must e'en represent their King too, and every Session of Parliament that he Summons; is but an unhappy Solemnity, whom himself Assemblies for his own deposition: if such positions should obtain, 'tis those that indeed would make the Monarch fearful of Parliaments, and not those idle Suggestions of Mr. || Hunt; that the Weekly Pamphlets were endeavouring to make him forego them, and it was this very opinion that promoted the last War, which he would not have so much as mention'd.

|| post. p. 92.

Lastly, if this Original Power of the People be delegated to their Representatives; this People that did so Communicate it, can at their pleasure * recall it, and exercise it themselves, for that is essential to the Nature of a Communicated Power; for upon supposition of the peoples having such a Power, it would be of the same Nature that their Kings is; (for Power of Supremacy wherever it be lodg'd is still the same;) and you see that the Power which the King has is often

Com-

* Quia qui mandatarum Jurisdictionem suscepit, proprium nil habet, sed ejus qui mandavit Jurisdictione utitur; Zouch. Elem. pars. 5. § 4.

ple having but delegated their Power
 to the Parliament, still retain a power
 of concurring with, preventing, or re-
 voking of that power they have given
 but in charge to their Representatives;
 and if so, then they can call them to an
 Account for the ill exercise of that pow-
 er they have intrusted them with; set
 up some High Court of Justice again,
 (for upon this very principle the last was
 erected) not only for the Tryal of their
 King, but for hanging up every Repre-
 sentative that has abus'd them (as
 they are always ready to think) in the
 exercise of that Original power, with
 which he was by his Electors intrusted;
 these sad Consequences which necessari-
 ly flow from this lewd Maxim, would
 make their house of Commons very thin;
 and they would find but few Candidates
 so ready to spend their Fortunes in Bo-
 rough Beer, only for the *Representing* of
 those that might hang them when
 they came home upon the least misrepre-
 sentation of their proceedings: and these
 sad suggestions of the sorrowful Case of
 such precarious representatives, are in-
 fallible Consequences, from the very
 words of our Republican, even in those
 very

Tryal p.
23.

very Arguments that he uses for the subjection of his King ; for if his King, as man must be Subject to the Judgment of his People that *make* him a King, sure he cannot be so Impudently Immodest but he must allow his Members of Parliament, that are much more made by them, by Continual Election, and the very breath of their Mouth, to be as much accountable to their Makers ; for if he should recur in this Case, as he has no other refuge, to the Peoples having excluded themselves from this Original Power once in themselves, by conferring it on their Representatives ; then farewell to the very Foundation of the *Babel* they would Build and Establish ; then they fall even in the fate of their aspiring Fore-fathers, fall by the confusion of their own Tongues, and like the rearsers of that proud Pile ; that would have reacht at Heaven and the Almighty ; as these at his Anointed, and the Crown.

For certainly by the same Reason that they cannot Judge and Punish those whom they have Commission'd to represent them, because they have delegated and transferr'd to them their Original power

power; by the same Argument, and that *a fortiori*, have they excluded themselves from their natural Power of being Judges of their King, because they have conferr'd upon him the *SUPREMACY*.

Neither can they help themselves here with their Imaginary and imply'd Conditions upon which Mr. *Sidney* says, our Sovereign must be supposed to have first accepted his Crown: For there never was any Representatives yet elected; but as many Conditions and Obligations are implied and supposed, and by the same Reason must be required and exacted; such as the serving their Electors faithfully, the representing of their just grievances, the promoting the Interest, and profit of the place they serve for; and if Mr. *Sidney's* good People must be Judges of the Violation of any of these Trusts, (as they must by the Maxims of their own making) then the Representatives, and the poor Parliament fare as bad, and fall in the common fate of their King, into the fearful Sentence of Mr. *Sidney's* own Words, *That Performance will be exacted, and revenge taken by those they have betrayed.*

And

And for to show them that my Conclusions are grounded upon matter of Fact, as well as Sense, and Reason, and not like their lewd Arguments, upon nothing but some Factious Notions, and Seditious Opinions, I desire them to consider, whether they did not themselves find it so, in several Instances. In the year fourty seven Mr. *Sidney's Original Power of the People*; in his own Sense was in the Senate and Representatives of that which we since call the long Parliament; but they having as Rebellionously, as well as impudently, put the Sword into the *Peoples* Hand, that had put their Original Power into the Parliaments, they found all that but a Complement, they soon saw what an insignificant sort of Representers they had made of themselves; and that their stout Electors, for all their buying of their Burgeships with so much Beef, and Beer, would allow them to be no longer such, than they relish'd their Proceedings: For to these their Representatives, they send a more significant sort of a *Representation*, that of an Army, to tell them their good House must be purged of such Members, as for *Delinquency, Corruption and abuse*

It began
† Novem. 3d.
40.

21. June
1647.
Perf. Di-
urn page
16. 12.

base of the State ought not to sit in it; and to let them see that for all Mr. Sidney's delegated Power, they retain'd enough not only to revoke their Commissionated Authority; but to chastise those whom they had Authorized; They prefer an Impeachment of High Treason against no less than eleven of their most eminent Legislators; one of which, (for such is the remarkable Visitation of Providence upon the Heads of Traytors,) happen'd to be a Person, whom their very King had impeach'd before; and which nothing but their harder usage of their *Florhams*; who but the just Judgment upon such Perjur'd Heads, could so happily Parallel: For these Villains, when once dip't in a Treason against their King, never left it seems; till they committed another of as deep a dye against the People; they thought perhaps the forswearing their Allegiance might be expiated with a breach of Covenant; (1. 2.) A single perfidiousness, atton'd by being doubly Perjur'd, as if the breach of two Negative Oaths, like a brace of Negatives among the Latins, had affirm'd their Fidelity; but this which is so remarkable, I could not but

*Hollis.**Hollis,
Hothams,
Loves, and
Carys Gate.*

R r

ob-

observe, because it will atone for the Digression, in shewing that the just God of Heaven; as a more satisfactory Justice to their injur'd Sovereign, and a severer Judgment on such Seditious Subjects, had destin'd those Heads that were forfeited to their King to be sever'd from their Bodies by that People they had serv'd: But to return to those Rebels that made such pretty returns upon one another; they were not only satisfied with threatening their Representatives with a re-assuming their Original Power; but they actually did it in a Remonstrance of Rebellion against their *Representers*, as well as not long before in another against their King.

Hist. In-
dep. page
49. 50. 53.

Sir John
Maynard.

For so closely did they pursue their Suffragans in the Senate, not only upbraiding them with ordinary Misdemeanors, but fairly laying to their charge, Treason, Treachery, and breach of Trust; neither would the bare charging them suffice, but they set up a Committee for Examinations; which sent fairly one of the learn'd in our Law yet Living, to the Tower, whose Confinement was the less to be pittied, since the result of his serving them so much; and several other
Lords

Lords upon the same Charge of High-Treason were committed to the *Black-Rod*, who had they adhered more Loyally to their King, perhaps had never labored under this Tyranny of their Fellow Subjects: But Mr. *Sidney's* Original Power of the *People* carried them further yet: They draw up an *Agreement* as they call'd it, of the *People*, or rather an Union of Devils; wherein it was resolved, they being weary of such Representatives: *That the Sitting Parliament should be Dissolv'd: That there should be another manner of Distribution of Burrough's for better Elections; and that the People from thenceforth were to be declared the Supream Power; whereunto; that, and all the future Representatives should be subordinate and accountable.*

Agreement
of the
People.

Perf. Journal, 1699.
Dugdale,
260.

And here I hope, I have proved it home with a Witness, from matter of Fact, as well as the force of Reason; that Mr. *Sidney's* placing his *Original Power* in the *People*, made it impossible to be delegated to the *Parliament* any longer than just as the *People* pleas'd, that this Position made every Member of it dayly run the danger of his Head, and that upon his Foundation 'tis im-

R r 2

pra-

practicable for any State of Government to be establish'd: for to be sure, the People will seldom be any longer pleas'd with those Delegates themselves have empowred; then while they want a Power to re-assume the same that they delegated, but it would puzzle almost Arithmetick, and a good Accountant, to tell us how many Revolutions of Government, this confuted Principle, of perfect Anarchy, confounded us with all: This Original power was delegated as Mr. Sidney says, to the Parliament, and so it was indeed to the Long one in 49: But there you see they pull it out of their Hands, and plac'd it in the Rump; but that prov'd at last so unfavory, they could resist it no longer, and so the Original Power forsooth is resolv'd into a Council of State, from that it runs into the confiding Men of Cromwells, and then at last Centers in the Usurper himself, so that in less than three quarters of a year, this Original Power of the People was delegated to three several sort of Representatives: I need not tell them how the People reassum'd it from his Son, and left it just *no where*, how the People retriev'd it again, and lost it they could

Barebones
Parliam.

could not tell *how*, how they recover-
 ed it from the Committed, to whom it
 was lost, and then forc'd to leave it at last
 to him, from whom 'twas first taken,
 their King: But this I hope is sufficient
 to satisfy any Soul, that this Supreme
Power when plac'd in the People, will
 be always resolv'd into that part of it,
 that has the *Supream Strength*: That this
 Maxim of Republicans, Rebels against
 the very Parliaments they so much ad-
 mire: That it always ruins the very Col-
 lective Body of People, in which these
 Democratics themselves would place it,
 and resolves it self into some single Per-
 sons, that by force or fraud can main-
 tain it; and this made Mr. *Sidney* tell us
 he call'd *Oliver* a Tyrant, and acted a-
 gainst him too; well might he look up-
 on him as a Usurper, that Usurpt upon
 their design'd Common-Wealth, as well
 as the Crown: I am much of his Mind,
 but it was far from the result of any
 Kindness to his King: He saw his Com-
 mon-wealth could never be founded up-
 on so false a bottom, no, not tho she
 had been his Darling, and Dutch built;
 his beloved Low-Countries, laboring
 under a Magistracy, that Lords it with

Tryal
 page 33.

as much Power as that from which they were delivered; For this his Original Power of the People must be as much delegated to those that govern there, as well as it is inherent in any sole Sovereign, that is the Governor; neither are any besides the best of their Burghers admitted to Administration, so that even that State that comes nearest to a Commonwealth, is at last but a sort of Aristocracy, which their *Harrington* condemns for worse than Monarchy it self: And I believe *their* Commons find the Impositions of their Burgo-Masters as great and as grievous, as ever were the Gabels of *Spain*.

Sec. 4. 170.

So from what has been premis'd, this must be concluded, that since we see they can't punish, or Judge even their own Representatives, only their Suffragans in an house of Commons; when they have delegated to them their Original power, (which for once we'll suppose them able to delegate) much less shall they their Sovereign, tho they did, as they will have it, confer upon him the power that he has, for the Members of the lower House represent only the Commons of the Kingdom; whereas the Sovereign

veraign is in some Sense the whole Kingdoms Representative. Since we have seen this Original Power of the People where-soever it has been delegated to have created nothing but Usurpation and *wrong*; where can this Power be better plac'd, but in the King that can alone pretend to a *Right*, and tho we are so unhappy, as to have presidents where-in they can prove to us that their Representatives were once call'd to an Account by the People that sent them; that is so far from proving that they have a natural, or Original *right so to do*; that it shows the danger of such a position that they *may do it*, and that when in the late Rebellion, they presum'd upon this their *Right in Equity*, they made it appear to be nothing else but the *power of the Sword*; for in respect of a *Right*; they are really so far from being able to censure their Representatives whom they send, that *themselves* are punishable for meddling in those Parliamentary concerns with which they have entrusted *others*; What force this has in the Case of their Commons; holds a *Fortiori* in that of their King?

R r 4

In

In the last place, give me leave to close this their Rebellious Argument of their Monarch being accountable to the Majesty of the people, with some few more Reasons, against this Damnable Doctrine; that has within the Memory of man, desolated and destroy'd three Kingdoms: A Doctrine that confound-
ed us in the *last*, confus'd us in *this*; and will be Condemn'd by *all* Ages: A Doctrine that places the Divine right in the People, and then indeed such an one as Mr. *Hunt* makes it, Impious, Sacrilegious* *Treasonable*, Destructive of *Peace*, Pregnant with *Wars*; and *what* absolutely produc'd the Civil one of *England*, and Sacrific'd its Sovereign Head, to the Fury of an || *Headless* Multitude. This Principle is the very Basis upon which all their Babel of Confusion, of a Commonwealth, of Anarchy; is all Built and Establish'd: And I shall never look upon it as loss, to have Labour'd in it so long, if we can at last but undermine its very Foundation: And that is laid even by the Libel of Mr. *Sid.* upon the Contract and Condition, upon which they'll suppose he receiv'd the Crown, which he must be made to renounce, if he does not per-

* H. postf.
p. 68.

|| *Sidney's*
Tryal p.
24.

Perform when Accepted. And in answer to this we'll suppose for once what the most Seditious Souls themselves can suggest, and that this part of the Rebellious position, abounds both with Sense, Truth, and Reason; that our Kings have but a Conditional bargain of it, which indeed would be but a bad one too; and such I dare Swear as the Greatness of our present Sovereigns Soul would hardly submit to, and if we'll but believe his own word, as firm as fate, that never fail'd his Friends, and surely will not then be first violated for a debasing of himself, and a gratifying of his Foes, that has told us, or decreed, that he will not *suffer his Government, and his Crown to be Precarious*: And I am apt to think that he that stem'd the Tide, the fierce influx of Blood and Rebellion, as well as without a *Metaphor* withstood the noise of many Waters; and baffl'd the Billows of the main, will hardly, when Seated at last in a Peaceful Throne; be regardless of it's || *Right and Prerogative*, which even his meritorious sufferings have deserv'd, should we bate his Virtue, and Birth were not in the Ballance. And 'tis much unlikely that he that kept his
Gran-

His Majesty's
Speech
22. May,
85. p. 5.

|| Ibid p. 4.

Grandeur when a Duke of *York*, should dwindle into that of *Venice*; and that too, when a King of *Great Britain*: 'Tis their *Doe* I confess that accepts upon *Condition*, 'tis their Duke with whom they do *Contract*, our Crown as I have shown has been resolv'd an Imperial one, from the Letter of its own Laws, and the very Statutes of the Land; *Theirs* from the very Constitution it self Subject to the Senate, *Ours* from its *Foundation* **RESOLV'D** not to be *Precautions*, as well as now too, from the *Resolution* of its Prince.

But in answer to this position of our Republicans; I shall depone this as a principle, that notwithstanding such a *Contract* upon Conferring the Supremacy, the same cannot be Dissolv'd even by the Consent of all those that Constituted it: I wont repeat to them, the Reason I have already urg'd from the * *Royal Law of the Romans*; which one of their very Republicans says, was not without || *Condition*, or *Limitation*; which if so, then we see that both *Augustus*, for whose Establishment in the first true Imperial Throne of their *Rebellious Rome* that very Law was first found-

* *Rex Legis.*

|| *Certis tamen Limitibus, nec sine Exceptione probata, jure Magistr. Quest. 6.*

ed, as also the Emperor *Vespasian* for whom it was again Confirm'd; both these from all the Famous Historians of their Times, unless we'll believe them, like the late Writers of the new *Rome* to be all Legends too) both appear'd absolute in their power, unlimited in their Jurisdiction; notwithstanding those Conditions they will have Express in that Law, neither did the People pretend to their deposition upon their Non performance: *Julius* himself that was not absolutely prefer'd to be the *Royal* Emperor, for he liv'd before that Law was made, yet was allowed such a perpetual Dictatorship; as may be well resolv'd into what our Republicans reproach with their present Sovereign, an *Arbitrary Power*, And he too whom the Miscreant we before mention'd, says was || *justly Murdered*; and why? only because he *dignify'd himself too much* (as if it were a Crime for a King to be Great) even he was not depos'd and dispatcht by the suffrages of the people; but by a Perjur'd band of Conspirators and Assassins in the Senate; and whom the very people * too pursu'd for the Fact, and even ador'd their deceas'd Emperor
tho

|| Jure Occisus, qd. nimis Multas dignitates cumulasce
ibid. p. 38.
* Plebs statim a funere ad domum Bruti, & Cassii tendit, Cinnam per errorem nominis occidet, caputque prefixum hastæ circumtulit, columnā parenti patriæ statuit, in scriptis; facere per Casarē jurare perseveravit in deo. numerum relatum, percussorū nullas ficea morte obit. Sueton. p. 51, 52.

tho Heathens, and their Empire was not Hereditary, to the shame of some of our good Christian Subjects that live under a Monarchy that is so, acquies'd more quietly under their oppressions of their *Lawless* Emperors, then some of ours under the good Government of their Gracious Kings, who as they have often promis'd, so have still Govern'd according to Law: The depositions and Barbarous Butcherys of some of the *Roman* Emperors, was never an Act of State, of the Citizens, or the people; but the Force, and Fury of a Faction in the Army; (and 'tis with that excuse I am sure our Presbyter with his good Excluded Members, would wipe his mouth of the Blood of his Sovereign) for those were several times || set up by the Souldiers; and as soon pull'd to pieces by those that had plac'd them on the Throne, which effusion of Royal Blood was the clear effect of their not claiming it by an Absolute Inheritance of that Blood Royal, for those Adoptions they many times made, ware of little force against the salutations of a Legion, and the powers of the Field, and therefore * that Author when he says even those Cæsars were Legally, and
justly

|| As Nero, Claudius, Galba, Vitellius, Otho. Vid. Sueton.

* Unde Apparet ipsos etiam Cæsares iuridice damnari, & coerceri potuisse; de jure Magistrat.
p. 38.

justly Condemn'd) as if the *Romans* too, had once their *High Court of Justice* abuses the world both with a Factionous insinuation, and in the very matter of Fact.

In the next place, they must consider, that if there was such a Contract and Agreement among the People to accept of such an one for their King upon his performance of such Conditions; (tho I am sure his Deposition or Censure in our Kingdom were never formally annex'to the Penalty of the Bond for his Non-performance; neither can they show us in all their Charter of Liberties, such a Conditional License to Rebel) yet yet still it must be supposed the consent of every individual Subject, (which was somewhat difficult to be compass'd) was required to such an Agreement; for upon the first Constitution of our Government, 'tis certain we had no such Parliaments, wherein they could delegate their Suffrages to some few Representatives: and then by the same Reason we must have the Concurrence of all the particular Persons in the Land when we would Judg of the breach of that Covenant, upon which all their Ancestors were supposed to have accepted their King:

King: And then I think from the Result of their own Seditious Reasoning our Sovereign may sit pretty safely, and he rule as Arbitrary as he pleases, when it must be carried against him with a true *univineContradicente*, and not a single Subject left in the Land to befriend him with his Vote.

For upon such a conferring off the Supream Power, it must be supposed that the several Subjects have bound themselves to one another, to suffer such an one to be their Sovereign, and made a contract too with one another in some such implied Sense, that *A.* confers his Right to Power and Government, upon *B.* as Supream Governor, upon Condition that *C.* does so too upon the same Person (now to put it in the terms of our own Law) the Subjects *A.* and *C.* here are both mutual Obligors, and Obligees to one another, and both Obligors to *B.* the Sovereign Obligee: Now 'tis certain that *A.* cannot recal this power he has confer'd, on *B.* without the consent of *C.* his joint Obligor, but it must be with a breach of Covenant to his Fellow Subject, as well as of Faith, and contract to *B.* his Sovereign, and this

this mutual Obligation between two to a third, will extend as well to two Millions: And I hope we may make at length the terms of our Law plead Loyalty, tho I've heard an eminent Council at the Bar, (but commonly for none of the best Clients,) Assert Loyalty to be nothing else but an adhering to the Letter of the Law, with this good *Innuendo*, as if that would contradict the common Acceptation of the word among the Royalists, who make it to signify an Asserting the King's Prerogative, whereas in their Law *French*, they would confine the word Loyalty to express nothing else but bare Legality: And be it so, I believe they'll be but little the better for the quaintness of the Criticism; for I dare avow that he that will be truly *legal* in *their* Sense, must be as heartily *Loyal* in *ours*, for nothing we see runs higher the Royal Prerogative, then that very Law by which they would run it down.

The King's
Prerogative part
of the
com. Law.

But to come to the Nature of this political Contract, this *Stipulation* of Monarchy as they would make it, which will be better express'd in the Language of a Civilian, when the Subject it self

is

is about Civil Government, and an Imperial Crown. In this Case there is also a *Convention* (as they call it) of two Parties; the *Subject*, and he that is to be the *Sovereign*; one upon such a contract, stipulates to Govern, the other to obey. Now in such Stipulations it is a received Rule, that no man stipulates but for himself; and that there is no Obligation arises from any one's promising another Mans Deed, so that every single Subject must in Person here (as I've said) have made such a Subjection to that Authority to which he submitted; if this their *Convention* and *Contract* with their King can be supposed; and then by the same Rule every man must in his proper Person come and *retract* his Obedience before this Right to Govern can be absolutely Dissolv'd, tho' tis the Opinion too of these sort of Lawyers, that what is promised by Subjects to the publick (which in a Monarchy is always represented in the King,) can't be revoked by them, no not tho they have reason to repent of their promise; and if this shall hold him, tho without any Consideration, or Cause, and tho it be but of a Gift to the publick use, much more then will

D. 45.
r. 38.

Alteri stipulari nemo potest, nemo promittendo alienum factum obligatur.
Zouch.
Element.
pars 3. §.
8. Vid. Inst.
lib. 3. c. 19.

D. 50.
12. 3.

D. 50.
12. 1.

will it oblige him in his promised Faith, and Allegiance. But here in this Case, there is not only a Stipulation between the Sovereign and every Subject, but also between the several Subjects to one another; for 'tis a consent upon Condition among themselves, that this Man transfers his Power to some single Sovereign, because the rest have; does or design to do it, so that the Person upon whom the Supremacy is confer'd, is secured upon a double Obligation, both of that which is made among them *all* to themselves, and that which to him is made by them *all*; and therefore that Opinion of Mr. *Sidney*, of the Power of the People, being delegated to some particular Persons, the Major part of which, can act for the whole Kingdom, is even unreasonable according to the Notion of their own *Hypothesis*; For while he supposes it a *Natural Liberty*, and Original Power that the People have; at the same time he lays down a Position that destroys it: For 'tis Unnatural and against Nature, (if they consider it,) that the major part, should determine it against the *Minor*, and be taken for the consent and Approbation

S f of

of the whole, when it is to be turned by a single suffrage and one casting voice.

And this carrying it by a Majority is against the Nature of their Original Liberty; for we see that even in all Seditious Assemblies, and tumultuary Meetings; every Man would have every thing carried his own way, but the being concluded by the Major part; has always been the result of some civil Institution in the Government, that thought it reasonable things should be so carried for an avoiding of Confusion and Disorder, so our Representatives in Parliament are chosen by the Majority of their Electors; and they pass their Bills when elected by pluralities of Voices; but this proceeds from President; Regulation, Institution, Custom, and Law, and yet we see that many times, notwithstanding these receiv'd Rules, and tacit Agreements, to which all have submitted, they are loth in their Elections to stand to their own accord in such Cases, and that those that have lost the day, or the Cause by some few voices, are restless, tumultuary; and their natural Liberty that is inherent in every individual, so prevalent, that

that what they have lost by Law, they endeavour to compass by force or fraud, and from that has proceeded those Riotous forcible Decisions of some of our Elections, those clan destine and fraudulent ones of others, from that proceeded in our late Confusions even in Parliamentary Affairs; The Remonstrances of the Army, Excluded Members; the Impeachment and Imprisonment of the Eleven Members, Prides Purge; The Peoples Agreement, Abolishing of Lords House, and at last *Olivers* Dissolution; for the Independant Faction prevailing in force, would by no means be concluded by Law, the *Presbyterian* suffrages were all along the most numerous in the Senate, and by all their Presidents in Parliament, must have carried every Vote by the Majority: This the Independant that fill'd not above the third part of the House found to their grievance, saw themselves still out-voted by Law, and so betook themselves to their armed Suffrages, and their Legislative Swords.

Vide per:
fect Diur-
nal.

Hist. of In-
depen-
dency:

Now tho the plurality of Voices (tho against *their* Natural Power of the People for they don't like it even in Par-

liaments now, since things are not carried all to their *liking*,) may be allowed to determine the Debates in a great Senate, conven'd by the Sovereign Power ; yet it cannot be imagined that the Majority here too shall carry it for an abolishing that very power that called them ; unless we can imagin the Supream Power had summoned them on purpose to be deposed ; and that this *politick BODY* was Assembled, (as once they were too sadly in the *natural* Sence) to cut off its own *HEAD* ; the Writ that summons them in our Parliament, is in order to *deliberate* about the *difficult* Affairs of the *Kingdom*, and it would be a *difficult* Business indeed, should it be by a casting voice, extended to a debate whither they had a *King*.

Deliberaturi de arduis Regni, 4. Inst. C. 1. Parl.

And from these Reasonings and Suggestions (which I submit to Men of more Sense and Reason ;) I dare to draw this Conclusion, that even from their own Principles ; Their Contract with their King, or as *Sidney* says, The Condition upon which he receives the Crown, he can not possibly be punish'd or depos'd, because 'tis almost *impossible* that every one of his Subjects should concur in
such

such an Act; and the Major part must by no means determine it, by their own Maxims of *Natural Liberty*, even in affairs of lesser Moment. 2. Because 'tis no Consequence, that because they have confer'd the Supremacy upon some single Person, that therefore they may reassume it too, tho it were forfeitable even on *Condition*, which I've shewn the *Romans* themselves, never pretended to, tho their own † Democraticks tell us, their very *Lex Regia* was *Conditional*; and || their Laws which by all Nations are allowed the most equal resolve it; that tho with them bare promises if made to private Persons were not *Obligatory*; yet when offer'd to the *publick* they oblige, and that in a Monarchy is always the King; and what then must it be when there's Oath made, Faith pawn'd, and fealty sworn: And those Laws resolve it too, as reason must, that when the Supream Power was confer'd on the Prince, all Magistracy was past over too, and in that lies all Judicial Power, and who then shall Judge of those Conditions that forfeit a Crown but him that wares it? and then they'll be but little the better for the Controversie, when a King cannot be deposed, unless

† De jure
Magistrat.
Quest. 6.
|| Dig. 50.
12. 2.
D. 50.
12. 1.

Zouch. El.
P. 101.

§ 3 like

like a *Richard* the Second by his own consent.

I have taken this Course, as the best way for the Confutation of such Principles; not that I can really grant them the Concessions I have made, for I could as soon believe Mr. S. dy'd a Loyal Subject, as be satisfy'd with the positions he has lain down; but I therefore grant them their own *Hypothesis*, that they may confute themselves, that they may see their own *Babel* of Anarchy will not be built upon the very *Basis* and Foundation of those Foolish positions they maintain; that the work never was, or will be carried on far, without terminating as that of their Fore-fathers, in Confusion; (and by that they mean perhaps a Commonwealth,) and have I hope in some Measure manifested, that even by their own wicked assertion of the Peoples Divine, Natural and Original power they cannot really pretend to any *Right* of Judging; Punishing, or deposing their King, what *force* can do; we have both felt, and fearfully, to our Terror seen, but in all Arguments of this Nature, the Question is of the Reason, and *Right*, and not of any Fact that may be justifi-

justify'd by *wrong*; and the refuting them from their *own* Maxims, must be more effectually convincing, then the maintaining of *ours*; for *one* opinion in Politicks, is not absolutely destroyed, because some Persons can maintain *another*; no more than the Systeme of *Ptolemy* was presently *False*, only because *Copernicus* had invented his for *True*; for the bare contradiction, and Clashing of positions, convinces no more than the giving the Lye, but when it is prov'd upon them in *one*, that even from their own Principles and Premisses, they cannot draw the very Conclusion they design; as it was since in the *other*, that from their own *Hypothesis* they could not solve all the Phrases, and Phænomenons themselves would make to appear, then certainly they must allow that themselves are in the *wrong* tho they will not Confess their Foes in the Right.

. And now having at *length* examin'd their Original *Power* of People; let us a *little* consider how long, and from whence our *Kings* have had their Original. If we must make words only instead of an Argument; and davel about an Idiom in Speech, (as some of their critical

cal Contenders about this Origen of Kings have very vainly, and as Foolishly quarrel'd at; then we must consult our Dictionaries, and the *Dutch Tongue*; for without doubt till the *Saxons* settled here they had some other appellation; and were only from them call'd *Konyngs* and since Kings, but if we consider the Nature of the Government, it is that which from the *Greeks* we call Monarchy, which from its own Etymology best signifies and expresses the Sense that it bears, which is the Governing part, and the Supream power plac'd in the sole hands of some single Person, and then the Question will be only this, how long that has obtain'd in the World; by whom first instituted, and in whom it first commenc'd? For the first; 'tis undeniable that its Original was with that of the World, and God himself gave it by the Name of * *Dominion* to his *Adam* he had Created, which in express Terms was given him first over all the Living Creatures, and then over the product of his own Loins, his Wife; and after that, (as if Providence did design to prevent the dispute about the Precedency of Primogeniture;) it gave in express words, a Superiority to *Cain*; that
the

* 1. Gen.
v. 28.

4. Gen.
v. 7.

the younger should be in some sense his Subject, that to him should be his desire, and that he should Rule over him; from whence it was as soon Communicated to the Several Heads of the Families that were the product of their Loins, and so succeeded in a sort of subordinate Government according to the Antiquity of the Tribe, or Family. That this was *then* such Authority, as we *now* call Kingly, is both nonsense to assert; and as great a Folly for any to require that we should maintain, for they may as well quarrel with us, when we say there were Kings of *Israel*, and *Judah*, and yet cannot prove that their Courts and Revenues, were as Stately and Great, as now they are in *England* and *France*; 'tis enough if the Government of those Primitive times, was but Analogous to what we call Kingly *now*: And now that we have brought it both to a right of *Primogeniture* and a *Paternal Right* from whence will result the *Divine*; we'll consider what it is, Mr. *Sidney* and his Advocates can say against it; and see if there be any such absurdities in it, as they more Seditiously; then with any Sense and Reason suggest; first for the right of *Primogeniture*, that themselves will

|| Vid. Pa-
per at Ex-
ccut.

will allow ; but 'tis only because not a-
ble to contradict, and besides as they im-
agin, it makes for them, and their Cause ;
for by that course of descent, they think
our Assertors of a Divine right, are oblig'd
to deduce their Pedigree of their Kings
from the Creation of the World in a
right Line ; and therefore Mr. || *Sidney*
says that such a supposition makes no
King to have a Title to his Crown ; but
what can deduce his Pedigree from the Eld-
est Son of Noah. But for that absurdity
which is truly their own, by supposing it
ours, when it can't be truly deduced from
the Doctrine and defence of a Divine
Right ; we shall answer anon when we
come to treat of the *Paternal*.

|| 25. *Gen.*
v. 34.

That *Primogeniture* had the Prehemi-
nence in the very Worlds Infancy ; (if we
do but believe the word of God, which
tells us, that himself told *Cain*, he should
Rule over his younger Brother ; we can-
not doubt of the truth of it, besides *A-*
braham's being a Prince, and having a
Precedence to his Brother *Lot*, is also
there recorded ; and *Esau* || selling of his
Birth-right, Condemn'd as a Contempt
of that preheminnence, to which God,
and Nature had prefer'd him ; and
which

which himself only disposed of when he presum'd he was upon the point to dye ; and for his disregard of this Priviledge, was he punish'd too in the prevention of the *

Blessing, and which is perhaps the only Instance in Sacred writ where a Lineal Discent, and the Succession was interrupted ; and this too only occasion'd by his own

Act. || And that God himself did appropriate this precedency to the first-born, may be gathered out of all the History of the Old Testament, the only account that is extant, and from which Authors gather all the Authentick Relation of the two first Epooches and most Memorable Periods, or Intervals of time, viz. That from the † Creation to the Flood ; and from the Flood to the first Olympiad (i.e.) to *Ann. Mund.* 3174. for the profane History of those times is accounted Fabulous ; and by Historians call'd so, and from those Sacred Oracles it will appear that all their Kings of

* C. 27. || And we are expressly told the first born must not be disinherited, nor for Private Affection. *Deut.* 21. v. 15. If a man have two Wives, the one hated the other lov'd ; and the first born be of her that was hated, he may not make the Son of the belov'd first born, before the Son of the hated that is indeed the first born ; but must give him a double Portion, because the beginning of his strength, and the Right of the first-born is his, *vers.* 15, 16, 17.

† First Period contain'd *Ann.* 1656. 2d. 1518. *Secundū Interval-lum a Var-one Mythicum appellatur.*

* *Israel*

* So *Jehoram* succeeded his Father *Jehoshaphat*, tho he had several younger brothers, *Chro.* 21. v. 2. And after him *Abaziah* his young Son, because says the text all the *Elder* were slain. *Ibid.* Chap. 22. v. 1. Which implies that they had succeeded if alive by Birth and Primogeniture.

|| *Numb.*
27. v. 9.

Postf. p.
71.

Blood; And as the Almighty Countenanc'd such a Succession; So does Nature it self, which among Heathens was distinguish'd from the Deity; and may be so amongst Christians too, if they consider it as the Work and Order of the Divine will, for if she shall decide it, she presumes the Eldest in years, to be always the wisest too; and 'tis not Nature, but a chance preternatural when it happens to be otherwise, for if we should conceive no disparity between Brothers and Sons, then all Right and Superiority must be decided by *Lot*; but Nature giving a precedency by Birth, makes Naturalist to call Primogeniture the *Sors naturalis*: In the next place the Laws confirm it, and the Practice of most Nations as well our own; so that when Mr. *H.* tells us the Succession to the Crown, is of a Civil Nature, not establish'd by any Divine right, he will find; and must needs know that such a Succession

* *Israel* and *Judah* succeeded according to this Right of Primogeniture, or where that fail'd by || Proximity of

Succession by Primogeniture, or Proxi-
of Blood; even by almost all Civil In-
stitutions is allowed the precedency,
and that even in the Discent of Com-
mon Inheritance, and Private Estates,
and as I have said before I look upon the
Crown to have a stronger Entail and
more oblig'd to descend in a direct Line,
if it were not from any Divine Instituti-
on of God; but from a bare Human Po-
licy, to prevent the Blood and Confusi-
on that attends always a Competition of
disputable Titles, which will needs be
the result of any alter'd Succession; and
what now do these Laws affirm, to which
Mr. H. must affix his descent of the
Crown by his own words, when he says
'tis of a *Civil Nature*; why the Civil and
Imperial 'tis true differ from our own
in this, that with them he is lookt up-
on an Heir, † that is left so by the Test-
ator in his Will, and by them a Testa-
mentary Succession was more esteem'd
then a Legitimate and Lawful one; yet
even that imply'd there was one that
was Legitimate or born so, and the Rea-
son why they rely'd so much upon Testa-
mentary Inheritances was I * believe
re testamentum tamdiu legitimus non admittitur, Tit. Dig.
Regis jur. l. 89.
because

Πάσας δὲ
οἰκίας βα-
σιλευίας
ὑπο τῆς
πρεσβυ-
τείας
Arist. de
Rep. l. 1.
c. 2. For
every
house says
he was Go-
vern'd, (&
as the
Greek im-
ply's) af-
ter the
manner of
a King by
the Eldest
in it.
† Heredis
institutio
nihil aliud
est quam
ultima vo-
luntas
testatoris,
Pacius A-
nal. Inst.
p. 26. de
hered.
Inst. Tit.
14.
* Tit. Dig-
est de.
verb. sig-
nif. l. 130.
Quandiu
possit vale-
de divers.

Yet even those *their* 12 tables and the Pretors Laws allow'd a Lineal and *Legitimate Succession.* || Doct. & Stud. l. 1. c. 7. he Eldest as badg of his birth-right shall bear his Fathers arms without difference, because more worthy of blood, *Col. Litt. p. 140.* Non hominem, sed Deum heredes facere asservunt. *Com. de Hered. Tit. 14. p. 120. Br. l. 2. c. 33. Britt. 118. 119.*

because those were confirm'd by the very Laws of their 12. Tab. which was their first and Fundamental; and therefore as long as the Testamentary was valid they would by no means admit the Legitimate one: But still even in those Testamentary donations, I believe they for the most part left most of their Patrimony to the Eldest; as well as we see among ourselves, our Tenants in fee simple, that have as absolute a disposition of it by Will; or those that have recover'd against the tail, by fine or the like; still leave their Eldest their Heir, tho Impower'd to give it to whom they please: And then for our own Law, the very Custom of the Realm; by which we must be more immediately Govern'd; that makes the || Eldest Son the only Heir to his Ancestor, or else the next of Kin to the Predecessor deceas'd; and that is the Reason an old Aphorism obtain'd even with our own Antient Lawyers, that expressly insinuates such an Hereditary Succession, to be by Divine Institution, when they tell us that *'tis not mankind but the Almighty makes them Heirs:* I know that the saying more properly refers to the Order or appointment of the Divine

Divine Will, that such an one shall be the First-Born, because it makes him to come into the World first; but if it can be prov'd from the Text, as in many places it may, and in some we have shown, that God himself in exprefs Terms made the younger Subject, we may be so bold to say that he instituted too such a *Subjection*, to be paid to the *Eldest*.

And now let us consider the *paternal Right*, which our Republicans so much deride, which Mr. *Sidney* in ridicule would force us to derive from the *Eldest Son of Noah*; which *Plato Redivivus* would expose in the *Empire of Reuben*, the *Brief History* calls a *new Notion of the present Age*, and Mr. *Hunt* laughs at in the merry conceit of calling it the Court of *King Adam*, and *King Father*, 'tis true the most Sacred and Divineest truth, may be made Ridiculous, only by laughing at it, and the World has not wanted even such a Blasphemous Buffoon, to burlesque the whole Bible; but I shall shew them here as in the most proper place, in what Sense those Fathers might be said to be Kings, and that the Absurdities they suggest, are far from any Consequences of such a Supposition: And why

Paper at
Execut.
page 32.

Brief p. 15.

Postsc. pag.
118.

why for Gods sake must we be put to prove; (only for Asserting that the first *Man* had a Monarchichal Dominion, tho it were at first over *Beasts* ?) why must we therefore make out too, that he kept up his Majesty after the manner of our Kings ? And that *Adam* in his Garden of *Eden*, in the first Year of the World, had built him an House like a *Solomon*, that was hardly finish'd in Fifteen : That he that had but Fig-Leaves to cover him, had laid the Foundations of his Court in costly Stone, and erected a Pile whose Porches and Pillars were of pure Cedar, and all the Building built up out of Cedar Beams; they may as well expect we should make out this too, and bring all the Forrest of *Lebanon* to be laid out in a Palace of Paradise : Is it not enough for us to maintain that the first Government in the World was Monarchial, (when we can prove all the Dominion and Power was imparted to a *single* Person, and when God himself seem'd to make but that one Man, to prevent even a possibility of a Competitor, and a Division of the Sovereignty,) without being obliged to make the very Origen of Monarchy adequate

1 Kings
C. 7.

equate to the Improvement of it, and that a Sovereign for almost seven thousand year ago had the same Pompous and Imperial sway, that a series of time, and a Revolution of Ages has settled in the King of Great-Britain.

Many things are clear from Analogy of Reason, tho they cannot be demonstrated to *Sense*; the naturalist and Chymical Operators may well conclude, that the mineral Vermilion is made by some *Natural* Subterraneous heat, that elaborates the fumes of Mercury and Sulphur; in which Mines 'tis found, from their being able to make the Cinabar its Resemblance, by an Artificial fire out of the Butter of Antimony, in which is both Sulphur and Mercury, tho themselves were never working under ground, and in the Mines.

If we must be put upon such a piece of Impertinence, as the Postscript would have it, to find out this King Adam's Court too; I'll just take the Liberty to put them to just such another task, They will have their instituted Commonwealth to Commence from the World's infancy, even before that of *Israel*, before that *Moses* as they say had divided their

Plat. p. 325

T t Land,

Land unto them by Lot, and turned the several Tribes into so many Republicks : And then let them tell me what sort of a Republick it was, that the Patriarchs liv'd under, and were ruled by, where it was that *Abraham*, and his Fellow Citizens consulted to make Laws for the Benefit of the Common-wealth of his Family, so great that his train'd Servants, 318 fought 4 Kings, where it was that *Lot* and his Herds-men, when they pitch'd their Tents in the Plain, set up their Stadthouse, and commenced Burgomasters? if in those days there was any Government purely Democratical, that is, lawfully Licentious, it must have been seen in the Cities and Towns, of those times, some *Sodom* or *Gomorrhah*, yet even there the Text tells us, *Bera* was King of the one, and *Birsha* of the other; let them tell us where *Isaac* when he settled in the Valley of *Gerar*, set up his Servants for Senators, tho he was grown so great (since they will have it so, in the Common-wealth of his Household,) that a mighty King of those times, whom the Text expressly calls so; *Abimelech* told him, that he was much mightier than he, and the *Philistines* envied and feared

Gen. c. 14.
verse 2.

Gen. C. 26.

feared him too for it : Let them tell us how *Jacob* liv'd in the Republick of his Sons and Servants in *Succoth*, tho such a numerous train, that they could venture to invade the City of the *Shechemites*, inhabited by the Subjects of *Hamor* the *Hivite*, whom the Scripture calls the Prince of the Country, and sure these Patriarchs were somewhat more than the ordinary Fathers of Families, as *Plato* would make them; when their Forces were so great, and their strength so formidable, that they fought Kings, and were feared by Princes : And now let them prove that this paternal Power of these Patriarchal Kings was no more than that of a Burgher in the Town of *Amsterdam*, or that the Cities that were several of them then erected, and where the sacred writ expressly says, Kings and Princes Reign'd, that those were nothing else, but as perfect Republicks, as *Venise*, *Geneva*, or the united Provinces in the *Netherlands*.

And cannot our Seditious Souls be convinc'd that this their Patriarchal Power was Monarchical, unless we can prove every patriarch a Crown'd King ; should we oblige them to make out their

Page 32.

|| One of their Republicans much countenances the Notion of Kings being but Fathers, or Fathers Kings. Prisci Reges vocabantur *Abimilech*, quod *Hibraice* sonat Pater meus Rex. *Jun. Brut. Vindiciae* Quest. 3.

T t 2

Com-

Common-wealths of those days after the
 same manner, their Modern ones are
 now Establish'd, they would be put to
 find out in those primitive times some ge-
 neral revolt of a Rebellious people from
 their Lawful prince: For that was the
 first Foundation of their said Repub-
 lick in the Low-Countries; as Mr. Side-
 ney himself will allow, tho' against
 common Sense and Reason, he cannot
 let it be called a Rebellion: And also is
 it not one thing to say a paternal Right
 was once Monarchical; but must it make
 all Monarchs to Rule by a paternal Right?
 conquest of the Sword grounded up-
 on a good pretence of Right is what a
 great many Kings claim, by a long se-
 ries of Successive Monarchs, makes the
 Title of a great many more as much un-
 questionable; and yet I cannot see, why
 Monarchy may not still be said to have
 been first founded in a paternal Right,
 tho' the claims to Sovereign power, since,
 in such several Kingdoms, and Nations,
 where it is now Establish'd, are of as
 several sorts too, as there are Subjects
 that have submitted to be govern'd by
 it.

It is a pleasant sort of Diversion to see Mr. *Hunt* Harangue out half of his Treatise in an impertinent pains to prove the Father of every Family at present, not to be the King of it, we would have granted it him quietly, and the postulate should have been his own in *peace*, without raising upon his *War* of Words, and the thundering charge that he gives this Opinion, of puzzl'd, senseless, vain, unlearned paradox: For once every parent shall not be a Crown'd Head, and every City but a Common-wealth of Kings: for that is all they must contend against, and then what's the Contention, but just about nothing: but that parents have nothing in them that is Analogous to a Monarchical power, that they have no Right to govern those very Children they have begot, (as this Gentleman with his mighty performances thinks he has perfectly prov'd ;) that I think will be found at last to be the greater paradox, if not a perfect Lye: For first the very Decalogue declares the contrary; And the command we have to Honour our Father and Mother, implies an Authority that they have that requires Obedience, by the *Levitical*, the Laws of the

Postscr. P.
100.

He that
but curseth
his Father
shall dye.
Levit. C.
20. V. 9.

Deut. 2.
verse 18.

Jews, the *Rebellious* Son was to be ston'd to Death, and if the very Bible can call it *Rebellion* ; Certainly it must suppose some *power*, against which he could Rebel : And what does Mr. *Hunt*, who himself admits of this, say to the refuting the very Objection that he raises, why he says this was an unnatural severity permitted the offended parent, that is an *unnatural* severity commanded by the very God of *Nature* : For all those their Laws were so many *Divine* precepts for the regulating his own Theocracy, and the very Text tells us this exemplary punishment of Disobedience to parents, was shown that *Israel* might fear, (*i.e.*) fear those parents in whom the Almighty's Law had lodged such a power: and then if we consider it in the Abstract from any positive Law of God, or Divine precept, if we look upon it in a pure natural State, as the result of Generation ; for all whatever the postscript impertinently suggests with his *copy*, and all the distracted noise that he makes with the procreation work being such an Act of Affection, and mere impetus of Love, I cannot see, why by that darling work that delights

lights Mr. *Hunt* so much, the power of governing those very Children he has begot should be superseded : The Gentleman among his many Melancholy moods, had it seems some pleasant Fancies : For in effect he tells us no more than this, that Coition being an Act of Love to the Mother, the Government over the Child that she bears him, must by no means be call'd a power; and if this be not indeed a puzzl'd, senseless Opinion, I submit to persons that abound with more sense, and if it have the least shadow of a consequence, I will forfeit all my Right to Reason, might it not be as well infer'd too, that every Father that chastises his froward Child, is an absolute Tyrant, because that sort of severity favors of *Anger*, and *fury*, but the Generation work obliged him never to exercise it, because that was an Act of *extream Love*.

But besides that precept in the Decalogue, *Honouring our Parents*, is an Eternal Law of Nature engraven in our Hearts, as well as it was in the two Tables of Stone, and wherever there is a Natural Veneration; there is at the same time an imply'd subjection, for those we

always reverence most, to whom we are most Subjected; I know there are inferior Objects upon which many times we place our affection, and may in some sense be said to have for them an *Esteem*; but that cannot be properly call'd *Honour*, but is better exprest by the Name of *Love*; and this is that φιλαςοφία that Friends have for one another tho they are *Equals*, or Parents to their Children tho *Subiect* to their power; but if we consider the word *Honouring* it self, (which in all the Versions of the Decalouge is still render'd so, as if it would remember us of the subjection we owe to those we are commanded to *Honour*,) that very word it self implys *Power* in the Person that is to be *Honoured*, for if we abstract our selves from any prepossessions and Engagements of *Love*, we still find we still Honor those most, that are also most in power, thus our Nobility are respected by us as Honourable, because they are in great places of Power and Trust: And our King more Honour'd by us agen, because the very Fountain of Power it self. And lastly what strikes us more into a Venerable Horror of the Majesty of Heaven, but that awful attribute

tribute of his being Almighty; so that uncorrupted Nature it self from the Rules of Common gratitude obliges us to Honour our Parents, as well as the exprefs precept of the Divine will; and then by Consequence subjects us to those whom we are requir'd to respect so much and esteem; for Nature as it never (according to the Maxim of the Naturalists in Philosophy) is said to do any thing foolishly, or in *vain*; so neither will it require any thing that is so, from others to be done; and therefore there is no Natural Law that obliges us to Honour our Servants, and those that are subjected to our Power; but the very Act it self would seem preposterous, awkward, and unnatural.

And this agrees even with the very notion of as Learned a Republican perhaps as ever publisht any thing in Politicks, for *Aristotle* that liv'd under a Common-wealth (tho he had less I believe of its principles than our Seditious Souls that are Born Subjects to a King, and sworn to be true to an Establisht Monarchy) he to Confirm his opinion of the paternal Right, which in several parts of his Politicks that Antient Heathen,

Plato him self, not the *Republic*, allows those that beget to Rule over what they have begotten.

*Vis & lex
naturæ
semper in
ditione
parentum
esse libe-
ros Jussit.
Plin. Pa-
neg.*

Πᾶσα γὰρ
οἰκία βα-
σιλεύεται
ὑπο τοῦ πα-
τρὸς οὐκ
ἐκ.

|| Δια καὶ
το πρῶτον
ἐβασίλευον
το αἱ πό-
λεις ; καὶ,
καὶ τὰ ἐθ-
νικὰ Rep.
l. 1. c. 2.
† Περὶ καὶ
τῆς ἀρχῆς
ἐβίβηται
ἐν βασιλείᾳ
αὐτοῦ,
Ethic. lib.
8. c. 12.

|| Aristot.
Polit. lib.
3. cap. 7.
and then
agen lib.
5. cap. 6.
οἱ ἐν τιμα-
ῖς οὐτὲς
are the
same that
he expref-
ses in o-
ther pla-
ces by οἱ
ἀρχαῖς
ἐν τῇς.

that vast Body of the Primitive Philoso-
phy is pleas'd to maintain when he tells
us that Families and Houses were at
first Govern'd after the manner of King-
doms by the Eldest head in it, that Ci-
ties were heretofore ; as most Nations
now are, under the Government of Kings,
and then in another place in his *Etbicks*
more Expresly to this purpose, plainly
says, directly contrary to the Sense of
Mr. H. and some of our Democraticks
that have ador'd some part of his Poli-
tical Observations, † That an Empire or
Monarchy, (or according to the Literal
Greek) a Kingdom will be a Paternal Go-
vernment ; and one would think the Au-
thority of such Antiquity, should at least
have prevail'd upon Mr. Hunt and his
Historian, not to have Libell'd the *Hy-
pothesis* for Novel or new ; but agreeable
to this his position, does that wise Heathen
define *Honour*, in the same Sense as I
have Suggested above, (*i. e.*) that it does
imply wherever it is paid a Power, and
Subjection in him that pays it ; for he
makes all his *Honour*, peculiarly, pro-
perly, in his || Politicks to signify nothing
else but *Empire* and *Magistracy*, and in
other places by those that are in H O-
N O R,

NOR; he understands the same persons, whom at other times he dignifies with the Title and appellation of *those that are in POWER*, which has made me many times think, that as the *Romans* receiv'd the first rudiments of their Learning from the Greeks, so they might retain some roots of their Language and mixt them among their own, as we see among our selves those Modern Nations do at present that Correspond; and then we may imagin (since their Sense and Etymology is not so wide and irreconcilable,) that the Latinisms *Timor* and *Timeo*, were but borrow'd from the Greeks *Τιμὸν* and *Τιμάω*, for whom we fear we must Honour, and whom we Honour we fear; I know that it is but a sorry sort of reverence that is the result of our being afraid; but yet we oblige our selves to pay it, tho it be but with reluctancy; so that I can confirm the position I lay'd down, and return to the very words of what was first asserted, and that with none of the worst Syllogism in Logick, a sort of Sorites, or Gradual Climax. i.e. Where ever there is any Natural Honor, there always will be an awful fear, and wherever there is any thing of awful fear, it is of somewhat

what that has an absolute Power,

And then in my poor Apprehension, it is almost as natural an inference in the Rules of Logick, from the proposition of *A*, being the Father of *B*, that therefore he is his Lord and Master too, as it is in the Common Conclusion that is made among Logicians, of *B*'s being an Animal, from the Proposition, that he is a *man*; for tho Dominion be not absolutely exprest in the definition of a Father, yet it is so apparently Implied, that it makes an essential part of him from the Closeness of the Connexion; neither can Mr. *H.* overthrow the notion with his Fruitless Labours about the sublim'd Love that exerts it self in the work of Generation, for it is not the bare procreation that Entitles the Father to this Dominion; for then the Mother too would at least have as great a Power over the Production, being as much contributory to its being produc'd, and for some reason more Right and Jurisdiction over her Infant, as being the Fruit of her own Womb; as being she, that determines it to such a Father, as she that has commonly the sole care and concern of its Education; till it is grown more

Adult,

|| Pater is
est quem
nuptiæ de-
monstrant,
D. 2. 4. 5.

Adult and fit for to be form'd into man-
ners by the Management of the Father;
and therefore not only according to the
Maxim and Sanction of the Imperial Law,
not only in a Civil and Political Sense,
the *Birch* is said to follow the *Belly*; but
it holds good even in the State of Na-
ture; and even in the literal Sense visi-
ble among Beasts: But that which gives
the Father a double Title to the Domi-
nion over the Child is not only his be-
ing as a Natural Agent, the first Spring
that gives it Life and Motion; but also
because the Civil Sanctions of all King-
doms and Countries, still establish the
Fathers Heads of their Families; and
from the Conjugal Compact that is made
in Matrimony; subjected the Wife to
the Jurisdiction of the Husband; so that
whatever Power and Right belongs to
her over her Infant, is like the acquies-
tance that accrues to a Servant, or a Son, which
the Civil Law and our own Common
Law resolve into the Power and Posses-
sion of the Master and Parent. And
then with what an Impertinent fury;
with what an insignificant Folly does the
renowned Lawyer Labour and lay out
his Lungs against Sir Robert Filmer?

Partus se-
quitur
ventram;

|| Quicquid
acquirat fi-
lius, ac-
quirat pa-
tri suo, &
servus do-
mino. Inst.
2. 9. 1.
Coke Litt.
§. 172.
Dr. & Stud.
l. 1. c. 8.

|| In

¶ Post. p.
113.

|| *In making him a Monster, and perswading Mankind to Sacrifice their Sons unto Moloch, in depraving Human Nature worse than the Leviathan; I confess the Furious fellow might as well fasten this upon that Loyal Persons position of a Paternal Right, as they have several other propositions full of absurdity upon the Doctrine of the Divine; which still have been nothing else but the dirt and dust of their own raising; but is it a Crime at last with some of our Rebellious Christians to become Loyal, because the Leviathan whom themselves will make but an Infidel has lent them so many Lessons to learn their Obedience; or is not a reproach rather enough to make the boldest republican to blush, that believes but a Deity, to see a Monarchy so well maintain'd even by a Reputed Atheist? if the Asserters of a paternal Right concur with him in such positions as render them good Subjects; I am sure these opposers of it, agree with him in every point from whence they can draw but the least countenance for Rebels. These Venomous heads the Spiders of the publick, that spin their Notions into Cobwebs, into such fine nonsense that they cannot hang*

hang together ; have here also that other good Quality of that virulent Creature, to suck up all the Venom and Poyson of Mr. *Hobs*, and prey upon the very principles of his Corrupted Air, and the Infectious depravations even of Human Nature : his Origination of Society out of Fear, his definition of Right to Consist in Power, his Community in Nature, his Equality in persons ; all the very Contradictions of himself ; reproaches of his Reason, the *Opprobriums* of his Sense, the Pest and Plague of the People, are priz'd with our Republicans as the Philosophers and the Schools do their propositions of Eternal truths ; they imbibe the Poyson, and exalt, improve it too, they sublimate the very *Mercury* of Mr. *Hobs* ; and whereas he equals us only in a state of Nature, our Levellers will lay us all Common, under the Inclosures of a Society, and the several restrictions of so many Civil Laws.

But to what tends this their turning all the Power of a Parent into Tyranny ; as if a Father could not have an Authority over his Child, unless he be bound to make it his *Slave*, as if the Chastisement of a Father could not Evidence his

his Supremacy over his Son, unless like the *Saturn* of the *Easterlings*, he Sacrifice him to the Fire, and torment it in the Flame. But this paternal Right of the Father, must suffer by these Factious Fools, from the same sort of Inferences they bring against the Divine Right of their King, which may only serve with some Loyal Hearts to confirm the great sympathy there is between them; for as by the Law of Nature, a Father can't be said to *injure* his Son, so neither by those of the Land, can our Sovereign *wrong* his Subjects: For say these Seditious ones, your Divinest Monarchs by that Doctrine, can Hang, Burn, Drown all their Subjects, (they should put in *Damn* too for once, since they may as well infer from it, his sending *them* to the *Devil*: (but cannot common Sense obtain amidst these transports of Passion? can they not apprehend a Father to have any paternal Authority over his Family, unless he be able to Murder every Man of it? The Civil Laws, the municipal ones of his Land, (if a Member of a Society supersede such a severity, and if a Patriarchal Prince must be supposed, (as were several of old
after

after the deluge, then the Affection of a Father: And the Laws of Nature were sufficient to secure the Son, nor preserved the Servant from any severity; but what some proportionable guilt might deserve; so also did this Divine Right make the Sovereign as entirely absolute as the great Turk; yet the Duties and part of those Civil Sanctions, to which the Divinity of them all would be Subject, or at least the precepts of the Divinity, their God, under whom they Govern; that will oblig'd them both to Justice and Mercy, the two great Attributes of him whom they represent.

But since they would make this Empire of a paternal Power so Ridiculous in Reason, let us see how it has all along founded in the Letter of the Law; and if it has there never been look'd upon as a Notion so Senseless and insignificant, the most illuminated Reason of our eminent Lawyer must submit to be much in the dark: The Romans from the result of their Imperial Sanctions, look'd upon themselves to have such an absolute Power and Authority over their Sons and Daughters, that they tell us express-

Potestas patris debet in pietate non atrocitate consistere. D. 48. §. 9. l. 1. *De Auctoritate Patris* idem. Decet principem leges servare quibus ipse solutus: D. 32. l. 24.

Appellatio uno maius vilis principis *illius* *apud* *potestatem* *quod* *habent* *propriam* *est* *civili* *lum* *Romanorum* *nulli* *alii* *homines* *talem* *potestatem* *habent.* *Inst. l. 1. §. 9.*

ly, it was a peculiar Privilege, and
 privileg'd of the Citizens of *Rome*, and
 that there was no other Nation that
 could Exercise such a Jurisdiction, they
 could alienate for ever, by this Power
 of the Parent, any thing that was ac-
 quired by the Son, and give it to any
 whom they pleas'd, whereas it might
 have been an Argument enough of a
 paternal Power, had they been but on-
 ly usufructuaries, and the *Dominion* re-
 main'd in the Child; and such a Sense
 of Sovereignty do the Civilians express
 to reside in the Father of a Family, that
 they gave him the same Appellation with
 that of a King, and tell us by the name
 of a Family, the *Prince* of it is also un-
 derstood; and tho Mr. *Hart* tells us a
 Story, out of the *Cabala* of the Jew
 Laws, and the Tract of *Maimonides*, that
 they lookt upon their Children Emanc-
 ipated of Course, when they came to
 Thirteen; and that then they could
 claim it as their right to be free. I must
 tell him from the Constitutions of the
 Imperial, (that must be of more force a-
 mong us, unless we resolve still that even
 Christians shall *Judaize*;) that no Sons
 were ever emancipated or emitted out
 of

Appellati-
 one Famil-
 iar etiam
 princeps
 familiaris
 Continc-
 tur 2000
 pars 3. 6
 4. Dig. 36
 19. 196

of the power of the Parent, unless they could prevail upon him for his own consent, that by no means he could be compell'd to it, and they had no freedom *de Jure* till their Fathers were *de facto* dead: And tho *Paris* in his Comment on that part of the Institution, says, They became *sui Juris* at 25 from their Manner and Custome; yet concludes the Law of Nature oblig'd them still to their Parent, which no civil One could disanull: The Duty that their *Digests* say, was due to this Paternal power, which they Insinuate almost as Sacred, was express by the word *piety*, and a *learn'd Civilian* of our own laments, that there is no more provisions made in our *English Laws*, for the Duty of the Child, and the protection of the Parent, and with them so great was the crime of parricide, that they could not a long time invent an adequate punishment, for such an unproportionable Guilt, tho they had one for Treason against the Prince.

And tho our own Laws do not make the Paternal power favour so much of Sovereignty, yet we shall see they sufficiently evince that the Parent has a pow-

Neque
naturale
liberi ne-
que adop-
tivæ ullo
modo pos-
sunt cogere
parentes
de potest-
ate sua eos
dimittere
Iust. 1. 12.
12. Vid.
Jul. Pac.
ibid.
|| D. 22. 3.
8.
* Ridley's
part. 4. c.
2.

¶ Yet Ser-
vants were
heretofore
with us
formally
Emanci-
pated, Qui
servum Li-
berat, in-
mercato
vel hil-
lumdredo
Lancan
& gladium
quæ libe-
rorum sunt
arma in
manibus
ponat, Lex
H. 1. 78.

Lamb. p.

206.

Vid. Bract.

l. 1. c. 10.

Flet. l. 1.

c. 7.

Lex Æ-

thelst. 70.

Lamb.

p. 54.

er very Analogous too it is; whereas Mr. *Hunt* will not allow it to have the least Relation, which remissness of our Civil Institutions might well proceed from a presumption of our knowledge of the express command in the Decalogue, of which the *Romans* were ignorant; tho we have no formal ¶ Emancipation now in use, which does imply a power of Government; yet our old Lawyer tells us still, that Children are in the power of their Parents, till they have extrafamilia-
ated them by giving them some portion or Inheritance; and the Custody of them, while minors, which afterward went to the King, upon the presumption I suppose of his only ability to be a second Father, that was settled in the Parent, both by Com-
mon-Law and Statute: for there lay a good action against any one for seducing a Mans Son as well as Servant out of his power, which does imply that there is a power out of which he may be seduced, and thus I have endeavor'd to shew the first Foundation of power to have been in the Fathers of Families: And it signifies nothing, whither every Father of it Reigns in it as a King now; and therefore Mr. *Hunt* his impertinence is incon-
clusive

Post. l. p. 98.

clusive, and part of his Assertion a plain-ly, when he would infer, from the continuance of the Parents Authority over their Children, together with the Sovereign power distinct, that therefore there was never any Foundation of a Patriarchal power; for he might as well tell us, That because we have no Parents now, but what are Subject to the Municipal Laws of the Land, therefore there was never any Patriarch in the Bible, never an *Abraham*, an *Isaac*, or a *Jacob*, that had an absolute Dominion over their own Families; or none now amongst some Barbarous Nations, that have no other jurisdiction but what is Paternal, the question is not what jurisdiction those Parents have, that are Subjected to the *Laws* of a Civil Society, but what they have by *those* of nature; and 'tis as absolute a lye; when he says, 'tis not abated by the Sovereign power; for were it not; the Parent had a power over the life of his off-spring, as the Patriarchs had of old, and some Barbarous Nations that are at present unciviliz'd.

Si aliquis
filiolum
occideret,
erga eum &
parentes
mortui,
conjuncti
re us est.
Lex Hen.
1. 79.
Lamb. f.
207. And
with this
agrees the
reviv'd
practice a-
mong our
moderns
to bring
Appeals.

V v 3

And

25. Ed. 3.

Ed. 1.

Coke 3.
Inf. p. 20.

And for the Statute of the 25, which Mr. *Hunt* brings as an Argument against it, because Parricide is not made by that petit Treason, is as pertinent perhaps, as if he had told us, that every Father of a Family, was not included in that of *Edward* the first, that settles the Militia in the King: for sure 'tis not possible to suspect how *they* can be considered as so many Sovereigns in the very Civil Sanctions that establish a much more Supreme Sovereignty, whose Supremacy in their several Families is founded on the Law of Nature; tho we have seen that they are confirm'd too by the general Laws of Nations, and the Hypothesis favour'd from our own: But as it is impertinently apply'd to this purpose, so is it as falsely infer'd from that Statute; for tho Parricide be omitted, and the Judges by that act restrained to interpret its extent from the pty of reason, or à *Fortiori*, yet no Man in his senses can imagin that it was therefore omitted, because there was no Relation of Subjection or Sovereignty between the Father and the Son, when a Master, and a Servant are express in the very Letter of the Law, when a Prelate and a Priest, a Husband and a Wife: And

And is it not against Sense, to imagin a Man has not as much Sovereignty over his Son, as over his Wife, that sits al-ways with him as his Equall, and to whom our Courtesse of *England* gives the Precedence, and the Laws of the Land make but one, as well as those of God; and if the *copy* the Imperus of Love and Affection will supersede the Servitude and Subjection: I think that by Mr. *Ham*'s leave is more abundantly exprest to the Wife, especially in that point upon which he himself puts it, the work of Generation:

And can it be imagin'd that even a regular, or secular Priest, whose *Subjection* to his *Primate*, or *Rector*; is only the result of the Statutes of the Society, or the resolution of the Common Law, can denote more Sovereignty, then the Filial Obedience; required by the Laws of God, Nature, and Nations; the citing this Statute of *Edward*, for having omitted the making *Parricide* Petty-Treason; because it argues they had no opinion of the Sovereignty of the Father, is the greatest Argument that they had; for since they have suppos'd a Sovereign

raign Power, (which from the suggesti-
 ing of such an Argument here themselves
 do seem to allow, and tacitly to Con-
 fess) in those Authorities, the Destroy-
 ing of which is made Treason by this
 Act; they must conclude a greater So-
 verainty to reside in him that has real-
 ly a **GREATER POWER**, then
 those that in that Act are exprest; for
 were it askt any impartial Person living
 Whether a Man has not a greater Pow-
 er over his Son, then his Wife, or Ser-
 vant, it would soon be resolv'd that he
 has; he being impower'd only from
 some civil Constitutions to govern the
 latter, but the former from the Laws of
 Nature, and Nations both; so that in
 Common Reason, and Common Equity,
Parricide must be concluded in the Chap-
 ter of Treason, according to the receiv'd
 Rule of Natural as well as Artificial Lo-
 gick; that every greater Crime must be
 Punishable by that Law, that punishes a
 less of the like Nature; and the true
 Reason why in this very Case the Judges
 do not make the like Conclusion from
 the Similitude or Aggravation of the sin,
 is as my Lord Coke* Iniquitates because
 the words of the Act it self declare, that
 nothing

* Chap.
 Tread. p.
 20. Et pur
 ceo plus
 semblable
 Treason,
Ec. 25. E.
 3. c. 2.
 Confirm'd
 p. 1. Mar.
 Cap. 1.

Nothing but what is their Speeche and
 exprest shall be adjudged Treason; but
 even that very Act, & foreseeing they
 might have omitted several things that
 by the same parity of Reason might be
 included, does provide with a sort of
 reserve, that at any time the Parliament
 might make it more Inclusive; and I
 dare Swear had it been propos'd to a
 ny Session that has sat since the Statute
 was first Enacted; whether by Parity,
 Parricide was not fit to be made Petty-
 Treason, not a man of Sense in the Senate,
 but would have consented: And this
 Construction of a Parliament is what
 Mr. Sidney himself forsooth so much re-
 ly'd upon; who if they will but put up-
 on this branch of the Statute according
 to his || own words, a construction agree-
 able to Reason, or Common Sense must
 conclude that he certainly is as much a
 Traytor that Murders his own Father;
 as the Servant that kills his Sovereign Ma-
 ster, or a Priest that makes away with
 his Lord the Prelate.

And 2^d
 . . .

|| Paper at
 his Exec.

But

† 3. Inst.
p. 20.

22. Ed. 1.
Matt. Pa-
ris 874.

But besides if this Letter of our Law does not include the killing of the Parent in Petty-Treason; yet the Comment of my Lord Coke upon this Case will go near to conclude it, for he says 'tis out of the Statute unless the Son serve the Father for Wages, Meat, or Drink, or Apparel; and I cannot see how any Son till he is Emancipated by years, or Marriage, or the like, can be said to be any other then his Fathers Servant and that for all sorts for as the Father requires of him filial Obedience, so he can, and they Commonly do Command their Sons in the Offices of Servants; and that Arbitrarily in whatsoever he pleases, and find him accordingly the fore-mention'd necessarys to the performance of his duty; and above all this, it is the opinion of a good Historian, recorded by my Lord Coke; that before this Statute Parricide was Petty-Treason by the Common Law, and then what will become of Mr. H. Triumphant Appeal to the Laws, as well as his impertinent application to Reason; and before this Statute too, such a signal sign of Sovereignty was supposed to reside in the Father of

a Family : That it was Petry-Treason
 too || to Counterfeit, or falsify the Seal
 or Signet of the Lord of the Family
 wherein he liv'd ; a Signature of Roy-
 alty indeed, and almost a mark of Maje-
 sty it self, and the Reason my * Lord
 Coke resolves it into ; their own omission
 of this Reasonable part of the Statute,
 is so far from the Postscript impertinency,
 of the Parliaments opinion against the
 paternal Power ; that he says those Law
 makers could never imagin that any
 Child could be guilty of such a sort of
 Barbarity, and seems to insinuate the
 pretermision to have been the result of
 such a probable piece of presumption ;
 and that I remember was the very reason
 among the *Romans*, that there was no
 punishment for such a sin as superseded
 a Sentence. They had a || Law suppos-
 ed to be made in *Caj. Caesar* the *Dicta-*
tors time against those that attempted
 Majesty, and a severe one too besides
 its being Capital, * to have his Goods
 confiscated, his Children disinherited,
 and his very Memory damn'd ; and one
 would think it might have serv'd for
Parricide too, but they lookt upon that
 Treason

¶ Si quis
 falsaverit
 sigillum
 domini sui
 de cujus
 familia fu-
 it. *Flet.* l.
 1. c. 22.
Briston. fol.
 16.
 * *Coke* 3.
Inf. fol. 20.

¶ *Lex* *Justi.*
Majest.

* *Dig.* ad.
leg. *Jul.*
maj. l. ult.
Vid. *Gor-*
tosfred. &
Grownin. l.
 6. ff. d.
 pub.

Treason so gross, such a Traytor so great,
that for a long time he superseded even
the Invention of a Torment from his In-
superable quiet.

Mr. *Hunt* would do well, and like himself, that, is to infer very Foolishly, even from this too, that the Romans had once no Regard, no respect, for this paternal Right, because the Punishment of *Parricide* was once left out of their Laws; and yet at last that it might be no longer unpunishable only upon the same presumption that there could not be found such Criminals; one *Cnej Pompeius* is said to have been the Author and Inventor of a Natural Punishment, if possible, for a Crime, so unnatural; that is, as he had Rebell'd against the Laws of Nature in this his Crime; so he should be depriv'd while living of the benefit of all her Elements, and neither her Heaven or Earth receive him after Death, but to be Buried alive with wild Beasts in a Bag, and set a floating in the midst of the Sea; whereas if they kill'd any other Kindred or Relation, like Common Felons they were only pun-

Vid. Lex
Pompeia,
de Parrici-
idiis Inst.
Lib. 4. Tit.
18. Par. 6.

night by the *Cornelian Law*. And now
by this time I hope I may with modesty
maintain, whatever our mighty *Demo-*
gogues do say to disprove it, that I've
shown the Paternal Power, in the be-
gining of the World to have been pa-
triarchal, and Absolute: And in all
succeeding Ages to have been subordi-
nately Sovereign, in the respective Fa-
milies, and several Households in which
the Parent does preside, and that assert-
ed from the very Civil constitutions that
establish a Supreme Sovereignty Para-
mount; and some Measure demonstrat-
ed, this from the very Word of God, the
course of Nature, Light of Reason, Laws
of Nations, and the Statutes of the
Land.

Lex Corne-
lia. de fi-
car. made
by Corneli-
us Sylla.
the Dicta-
tor. Ibid. §.
10.

MOB. LIB.
§. 10.

And as I've done with this *paternal*
Right in Fathers, so I shall consider now
in the next place the *Divine* of my King;
a Right that none but Republicans dis-
pute, none but Rebels will really op-
pose, and they deal with this Divine
Doctrine not so kindly as some *Indians*
are said to do with the Devil, who
paint him most ugly and deform'd only
that

MOB. LIB.
§. 10.

that he may be the more ador'd; where-
 as these dress up somewhat of Divinity
 it self in the most frightful form, to make
 it vilify'd and Contemn'd, they tell us 'tis
 Monstrous, Trayterous, Papal, Dive-
 lish; and this is the dismal Varnish these
 Villains daub over it, when all the
 while the Colours are only of their own
 laying. This is their Trojan Horse
 that must introduce Popery and Arbi-
 trary Power, and carries Fire and Sword
 in its Belly; but in these their aspersions
 as they bespatter the Bible and *Burlesque*
 the very Book of Life; that in several
 places recommends to us the very Divi-
 nity of Kings, so they Libel the works
 of that Learned Person they so much op-
 pose; in a misrepresentation of his very
 principles and positions about it; and
 then 'tis no difficult matter to render an
Hypothesis puzzel'd, senseless, and absur'd,
 when with their own Pens they put up-
 on it the Nonsense and absurdity; for
 thus they deal injuriously even with the
 dead, and disingenuously detract from
 the Learned dust of that Loyal Subject
 Sir Robert Filmer. Thus Sidney says,
 and endeavours to deduce from his Do-
 ctine

Vid. Rom.
 c. 13.

Paper at
 Execut.

£

drive what was never lain down; that all mankind was born by the Laws of God; and the necessity of Nature to submit to an absolute Kingly Government, not reftainable by Law, or Oath:

Thus the *Postscript* will draw from it that it asserts such a Government to be Establish'd by God and Nature for all mankind; that it proves a Charter to Kings Granted by God Almighty:

But such Calumnies were barr'd from
being to much as Evidence by the

Postf. p.
959. •

|| Dig. 22.
4. 2. D.
48. 2. 7.
† 37. Ed.
3. 18. 38.
Ed. 2. 9.

did not Mr. *Sidney*, or the Possessor
make their subscription too? Why
were they not so far as to cite the places
out of *Fulmer*: wherein these puzzled
Senseless positions were altered?

The Substance, the whole design of
that Loyal and elaborate piece, is only
to expose the Natural Liberty of the
People, or as they would make it, the
Subjects Divine Right, to shew us the
Royal Authority of the *Patriarchs* be-
fore the Flood, that Fathers were first
Kings of Families, that the People were
not concerned as far as can be learnt from
the Scriptures in the chusing of Kings.
That Monarchy has been always found
more excellent then Democracy, and
popular Government more Bloody than
Tyranny: That People cannot Judge, de-
pose or punish their Kings: That neither
those of *Israel*, or *Judah* were bound by
their Law, but were always the Law-
givers, and that our own have always
been so too. This is the Substance that
by all the acquaintance I have had with
his works, I could ever collect out of
them, and as I remember from some par-
ticular

¶ Nemo
Dominum
suum judi-
cet, vel ju-
dicium
proferet
super eum
cujus ligi-
us sit, Lex
Hen. 1.
Lamb.
187.

our Monarchy, &c.

particular passages, he tells us, That he does not quarrel at the Privileges and Immunities of the People, but only question whither they have them from a Natural Liberty, or the Bounty of the Prince ; He tells us tho Kings be not bound by the Laws, yet will they rule by them ; and that they degenerate into Tyrants when they do otherwise ; where then is this Bugbear Arbitrary, Slavery, Misery, the result of a Doctrine full of an easie Government, Freedom, and Felicity ? the most that can be gathered from him is, That Monarchys as well as other Estates, do and ought to descend from some supream Father, and common Ancestor, and that there is some paternal Right, by which the several Kingdoms of the Earth are Govern'd, although by the Secret Will of God, the long series of time, the several Successions are altered and Usurp'd.

Patriarch :
p. 6, *ibid.*
p. 93.

And then what must be meant by this *Divine Right* ? but what is consistent with the safety of the Subject, and the Will, and Intimation of the Almighty : That God has made it part of the Decalogue,

* X x

That

The Triumph of

That *Moses* had it delivered to him in his Tables on the Mount, that it is a positive Divine Precept, that all the wide World should be govern'd by nothing else but a Succession of absolute Kings, (and as they would make every Monarch,) by a Divine Entailment of perpetual Tyrants: these are only the Conclusions of rage, and transports of those that are prepossession and prejudic'd against such a Notion or opinion, the rants of our implacable Republicans, that are pleas'd with nothing that recommends a Monarchy, no tho it be the very Bible, and the Book of the Almighty: Cannot those silly Souls that are transported out of Sense conceive that there is a difference in Assertion to say, That Monarchy is by *Divine Right*; and that every Monarch Rules by the *same Right Divine*; then indeed we should run into *Sidney's* Absurdities of making every Rebel that could but reach at a Crown, a *Cromwell*, or a *Monmouth*, as much a Divinity Monarch, as our best and Lawful Sovereign; tho it must be granted that those Successions even of *Lines*, that have for a long time descended *lineally*, do intimate

our Monarchy, &c.

mate to us somewhat of the Divine Will that it shall so *succeed*, and even the *paternal* Successions in this sort of Royal Government, was given us for our Instruction that God approv'd of it from the time he gave the Children of *Israel* and *Judah* their first Kings, who throughout all the History of the Bible, succeeded from *Father* to *Son*: but that which garbles, and really grieves our Republicans, is that even the *Divine Right* of *Monarchy* it self can be Asserted, that we have so much as the Intimation of the Will of God, any Reason to conclude from his Word, that he has given the Approbation to the *Kingly* Government, any preference to *Monarchy* it self, they quarrel at the very Bible for mentioning so much as a *King* or *Prince*; and they would make the version Libel the Original, when it makes a *Melchisedek* the King of *Salem*, or *Hamor* the *Hivite*; *Prince* of the Country, they would have *their* INDEX too, and expunge a whole Chapter of *Genesis* Gen. 14. for talking of ten Kings besides *Abraham*, and make all the Old Testament an entire *Apocripa* that does but mention a Monarch: And for this, || *Plato* tells us

|| *Plato* Re-
divinus
page 23.

* X x 2

plain-

The Triumph of

Numb. 16. plainly, that *Moses* made them all *Commonwealths*, and that afterward over those they call'd *Kings* the *Sanhedrim*, and Congregation of the *People* did preside, tho the *Text* tells us, *Moses* was *King* in *Jesurun*; and so the *King* it seems made it a *Commonwealth*.

These Rebels to the *Majesty* of their *King*, are as refractory to what the *Divine Majesty* has approved, they damn the very *History* of the *Creation*, and the *Original* composure, and *Constitution* of *Nature*, because it once made a *Monarch* in a single *Man*, and has puzzl'd them to find out any more of *Adams* *Commonwealth* but among his *Beasts*, they Curse the *Dispensations* of *Providence*, for preserving a *Monarchical Government* throughout the *Universe*, and has left them nothing but two or three *Rebellious States*, they condemn the deluge for not destroying *Noah* too; but left so much of *Regal Authority* to remain in the *Ark*, this makes them when they are perplext with the pesterings of some *Loyal Positions*, to put us upon deducing our *Kings Pedigree* from *Adam*, or as *Mr. Sidney* says from the *Eldest Son* of *Noah*, the *Foolishness* and *unreasonable*.

Hunt post.

Paper at
Exec.

our Monarchy, &c.

ableness of their Postulates, the ridiculousness of those demands, I cannot better answer to my Satisfaction, or theirs, then by sending them to *St. John's Coll. in Oxford*: I'll promise them there, if they'll be but pleased, there they shall see even the most everlasting Line drawn down from the Garden of *Eden* to *White-Hall*, from the first *Adam* to their present Sovereign *K. James*, and if they don't like the Heraldry, let them dispute it with the Painter; I cannot tell how to gratify the Impertinence of their demands, but with as pleasant a message.

But if a Man can be serious among such Buffoons; I must tell them 'tis one thing to say that *Noah* and *Adam* Rul'd by a Right Paternal, and another that every Monarch must have the same *Paternal Right* from *Adam* and *Noah*: 'Tis one thing to say that God approv'd of Princes to Govern, and another that he appointed to every Prince the same Right of Government, the form of Regal Government I hope from the Royal Authority of the Patriarchs may be Justified to be of *Divine Institution*; tho the Succession of the whole series of Succeeding Sovereigns, be not resolv'd
all

The Triumph of

Berosus the
Priest of
Belus talks
of ten
Kings of
Caldea be-
fore the
Flood.

Tryal
page 26.

all into the same Title ; I can tell them
of not only an absurdity, but a plain lye
would be the Consequence of such a po-
sition ; for then there must have been
no Battels Fought after the Flood, no
Ten Kings in one Chapter of the Testa-
ment, none of that long Catalogue
of *Egyptian* Princes, and in truth at
present but one *Universal* Monarch in
the World ; tho that some Learned, and
Laborious Heads do too industriously
sometimes attempt to deduce from Scrip-
ture by the *Almighty* to have been once
design'd, and *Babel* for the seat of such
an *Empire* ; For it would be a great piece
of Paradox indeed, and a greater of Im-
pertinence to persuade such Seditious Au-
thors, there was ever any thing of an *U-
niversal Empire* design'd, that won't allow
there was ever a particular one Establish'd ;
That tell us no general revolts of a Nation
can be call'd Rebellion, and then I am sure
they must maintain, that there is no par-
ticular Supremacy, from which the gene-
rality of the Subjects can be said to Re-
bel ; but Mr. *Sidney* borrow'd this pret-
ty Position too from that pernicious piece
that was publish'd about the *Rights* of
Magi-

our Monarchy, &c.

Magistrates; for that tells us too, * That the *Danes* imprisoning their King *Christien*, to his dying day; the *Swedes* rejecting their *Sigismund*, for his persisting in the *Romish* Religion, were no *Rebels*; I confess their Monarchys admitting so much mixture of Democracy, may make the people *there* to have a greater power in *publick* Administrations; but certainly cannot well extend to impower them to subvert the very *publick* Weal it self, which must be said to consist in the *supream* head of it, the *King*; and tho they will separate his Person, from that *publick* political Consideration, and say they may maintain the *Monarchy*, tho they depose such a particular *King*, this will not mend the matter; for those that have a power to reject *ONE* Prince, are as much *empowr'd* to refuse to *Elect* another; and then the result of it must be this, that our Republicans will admit no more of a particular Empire then a *Universal*.

cuisent. D. Jure Mag. p. 47.

* De Jure Magistratum: sic Dani Christiannum, &c. sic Sveci Sigismundum; But this Author extends it too to absolute, Hereditary Kingdoms, as well as Mr. Sidney. Sic Scoti Reginas abdicarunt, & perpetuo carcere damnarunt, rectius, audeo dicere, eos facinorosos fuisse, si meritas penas in eam exer-

In short, those that had but the least Inclinations to be Loyal, and did but Love, and like, an Establish'd Monarchy; that

The Triumph of

that were not resolutely resolv'd to Rebel against the *Light of Nature* as well as the Resolution of the *Laws*, would soon see, and be satisfy'd of the Solid Reasonableness, the Innocent Truth of these *three* several Propositions I have so lately Labour'd in. *First*, that *Primogeniture* obtain'd by the Institution of the Almighty and his continued Approbation in the Bible; both in *Paternal* descent and *Regal* ones; and that the *Laws* and *Practise* of Nations have confirm'd it in both since; and *that* home to our Doors. *Secondly*, that *Paternal* Right and *Power*, by the *same* Authority of the Almighty has been *prefer'd*, by the *Laws* of Nature *Maintain'd*, and by the Civil Sanctions of all Nations *Confirm'd*. *Thirdly*, that *Monarchy* or *Kingly* Government is so far of a *Divine* Institution, as it has receiv'd from God himself an || *Express* approbation; as it has been Intimated to us from the Worlds Creation; and its first Regulated Establishment, as it is *Constantly Visible* from all the *Phænomenons* of *Unalterable* Nature; and as it has been *Continually* transmitted to posterity by the *special* Appearances of providence for its preservation.

By me
Kings
Rule.

And Last of all, let me but only sub-
joyn the Excellency of this truly an-
cient, venerable, and divine Form of
Government, a Monarchy; and then
the many Mischiefs that attend the
popular one, a Democracy; and then
let the most prejudic'd and partial per-
son judge, not only which of the two
has been always reputed most Eligible;
but which of them he himself would
most affect to Chuse: Sir *Walter Ra-*
leigh, as Learned an Head-piece per-
haps of the last Age, as any that he
hath left behind him in this, a Person
rather prejudic'd against *Monarchy*, than
bigotted for it, no such Court-Fa-
vourite as the * *Mercury* makes of *Sal-* * *Merc:*
masius, *A Dirty Dissolute Parasite of* *polit.*
Kings, and Pander of Tyranny; this
Learned || Historian lets us know, That || History
the first, the most ancient, the most ge- of the
neral and most approved Government World,
is that of *one* Ruling by just Laws call'd cap. 9. §. 2:
Monarchy; and whatever *wits* our
more modern Commonwealths-men
pretend to be; this Gentleman; that
was more sage than the wisest of them,
does not make paternal Right such a
ridiculous thing as they would repre-

X x

sent

sent it; but tells us, that in the beginning the *Fathers* of Nations were then the Kings, and the Eldest of Families the *Princes*, and of such an Excellency is its Form, that it is the clear result of unprejudic'd Reason, and most agreeable to the sense and security of Mankind: For as the natural Intellect it self (by which I mean bare humane understanding) when, in the infancy of the World, people were guided more by their own Fancies, and the *Paternal* Power, which then was all the *Regal*, from the tenderness it might be suppos'd to have towards those that were their *natural issues* as well as their *civil subjects*, had indulg'd vice, and been less rigorous in Executing impartial *Justice* on Offenders; whereby people were left more at Liberty, I say Nature then, and Necessity it self, made them find the Inconvenience even of too much Toleration; and made even the most *foolish* fellows apprehend as well as the *wise*, that the Condition of *reasonable* men would be more miserable than that of *brute* beasts; that an Inundation of Anarchy and Confusion, would overwhelm them more than the first Flood,
Did

Did they not, by a general Consent, submit to Government, and obey those that were set over them to Govern? For they found that when they were most mighty to oppress, others might in time grow *more* so, and do them as much mischief: And those that were *equal* in their strength, found themselves *equally* dangerous and mischievous one to another; and that the most unbounded Licentiousness prov'd always, to some or other, the most miserable Bondage and Slavery. And this natural Reason inclin'd them too to acquiesce under those *Monarchical* Forms, that were then the Government of the Times, and which the *Israelites* themselves desired in a more special manner, tho' they were forwarn'd of its Absoluteness, and told by *Samuel*, that it would be Tyranny it self: for the same necessity, convenience, reason, and natural instinct that persuaded them, to submit to Government in *General*, did also suggest to them the Excellency of Monarchy in *Particular*: For as by want of all Government, their reason told them they could not long possess any *right*, and that Liberty be-
X x 2 ing

ing only a License to do what they list, andolest nothing to be *wrong*; So the same reason suggested, that these their *Rights* were best defended, and soonest decided by some single Person, that was Supreme, than when a Multitude had the Supremacy; for in that there being so many suffrages as there are men, accordingly there might be so many several interests and factions; which must both hinder any sudden determination, as well as make the sentence liable to more partiality and injustice, when it is determin'd. This made the Senate of Rome so tedious always in its determinations, and the people as uneasie and unsatisfied in their Decrees: Their *Pratores*, *Quaestores*, *Judices Quaestionum & selecti*, some of them having under them no * less than an hundred Commissioners, might be said to confound Causes instead of determining them. Their *Agrarian* Laws that were made for the Division of their Fields, most of them having been given by *Romulus*, and the rest of their Kings, resolv'd their rights to *them* with *Justice* and satisfaction to the people, while their Kings Reign'd that gave them, and were

Sigon. de
Jud. l. 2.
c. 4. & de
Fure Rom.
lib. 2. c. 18.

were the sole Judges of their own Laws.

But when they were confounded into a Commonwealth, and the Senate set themselves to decide the divisions of their Commons, and their Fields; what Seditions, Confusions, and Unsettlement did they create? So that the *Reasonable* presumption there is, of a more Equitable and speedy distribution of Justice from a single Sovereign, because suppos'd to be less prejudic'd, and less unable to be prevail'd upon by favour or affection, may very well be thought to have recommended at first, a Monarchical Form, & afford us now as much reason for the retaining it.

In the next place, A King being a perpetual Heir to the Crown, insomuch that the Politick Laws suppose him never to dye, and when in a natural sense he does, the Crown still descends to his immediate Successor: This will make him endeavour to preserve the Rights of it inviolate, and perpetuate the same Prerogative to his Posterity: Whereas the people, in all their popular Sway, administer only for *years*, or at most for Life; and what should hinder them then from defrauding that

X x 3

Pub-

Publick, whose Administration they must either soon quit, or at last leave to those to whom they no way relate. I allow in most such Communities, there is commonly special provisions made by their Laws, that an abusing that power, with which they are intrusted, or a robbing the Commonwealth of part of its Revenue, shall be punish'd with some grievous Fine, or perhaps made Capital; for which the *Romans* had their several rules and regulations for their Magistrates and men in Office: But there being so many ways to be injurious to the Publick, that can so easily, by those that administer its affairs, be kept private and conceal'd; it must certainly be concluded, that those that have an Hereditary Power of Publick Administration, as all *Kings*, and they alone have, that their *Interest* obliges them to preserve its rights inviolate, from an unwillingness, that nature it self will implant in them, to injure their own Sons, Successors and Posterity. Whereas the same *Interest*, which certainly is the most powerful Promoter either of good or evil, will incite Senators in a Common-

monwealth more industriously, more seriously to endeavour to serve themselves. It is the most prodigious piece of Paradox, to see some of our Seditious Republicans to rail at Ministers of State, and Mr. *Sidney* of all Men had the least reason to have reflected for his Sufferings upon those that sat on the Bench, with the rest of the Rabble of his Democraticks, who of late in these tumultuous times have talkt of nothing less than the punishing of those that held the Sword of Justice, threatened them with the Fates of *Tresilians*, *Fulthorps*, *Belknaps*, with the Gallows, Fines and Imprisonments; whereas these two were only punisht in the Reign of a King, wherein they actually rebell'd and depos'd their Prince; but were they the worst of Men that officiated in Publick Administration under their King, such Republicans have the least reason to find fault, when always in their Usurpations the greatest Fools as well as Knaves have been commonly preferr'd: What more Illiterate Blockheads did ever blemish a Bench than some of those that sat upon it in our Rebellion? and for that

Vid. Baker.
pag. 146.
Rich. II.

consult the Tryal of *Lilburn* they Arraigned, where you'l find a clamorous Souldier silence, and baffle them with his Books, and invert the *Latin* Aphorism in a littoral sense, by making the Gown yield to the Sword, And for their Villany, let *Bradshaw* alone: And for that only be the best of *Presidents*. The very Beggars and Bankrupts of the Times, that bawl'd most for Property, when they had hardly any to a penny or a pin, were set up to dispose of the peoples Fortunes and Estates. Princes, as they are above all *Men*, so generally make those the Ministers that excel others in Desert or Vertue, because their persons are to be represented by them: And they may aswel imagine a King would croud his *Courts* with Clowns, to shew his Magnificence, as fill his Judicatories with Fools or Knaves to distribute his Justice. 'Tis enough for an *Oceana*, an *Oliver*, or a *Common-wealth* to set up such ridiculous Officers; Brutes beneath the As in the Apologue, that will not so much as be revered for the Image they bear: but even the best of Common Men, when they are rais'd to some supreme Govern-

* Qui aliquod munus gerere debent, virtutis habitu ratione eliguntur.
Maccenas.
Orat. pro Monarch.

Government, prove like Beggars on Horse-back, unable to hold the Reins, or riding off their necks; the *wisest*, in their own ordinary administrations, prove but *foolish Phaetons* when they are got into the Chariot, set all in combustion and confusion: The not being born to Govern, or educated under the Administrations of a state, makes them either meanly submissive in the midst of their Grandeur, or *insolently* proud of their Office, which renders them as *ridiculously* Great; whereas Princes from an Hereditary VERTUE, (that consists alway in a MEAN) or their nobler Education that instructs them in the *Mode*, preserves them too from running into the sordid absurdities of such Extremes.

Many of such like preferable Conveniences might be reckoned up, that make a Commonwealth less Eligible; but for Confirmation of it, it is better to have recourse to matter of Fact: When did their *Rome* ever flourish more than under the Government of their Kings? by that it was * Foun-

* Vid. Tacit. l. i. p. i.
Lucius Florus, p. 1.

Romulus himself

† *Laet. de*
fals. rel.
L. 1. c. 22.

Vid. Orat.
Macenas.
pro Monarch.

¶ Dictator
quoniam
dictis ejus
totus pa-
rebat po-
pulus, *Rom.*
Antiq. P.
170.

himself first gave them their Religion and their † God, as well as the Government; and, with the assistance of his *Numa*, brought them to observe some Ceremonies which the *Trojans* had taught them; under whom did their City Triumph more, both in fame, riches, tranquility and ease, than under the Empire of *Augustus*? And one would think that when the Controversie upon his coming to the Crown was then in Debate, it should have been decided by the two famous Wits of their time, in their Dialogue, *Macenas* and *Agrippa*: It was submitted to their determinations, and we see what was the result, A MONARCHY. And that preferency of this most excellent Institution themselves most evidenced, when upon all Exigencies and Difficulties they were forc'd to have recourse to a Dictator, whom all Writers agree to have differ'd only from a King in the sound of his Name, and the duration of his Office, the very Definition || of his Name implying, that all were bound to obey his Edicts: he had his *Magister Equitum*, an Officer, in effect the same with the *Præfectus*

Præfectus Urbis, which under their King was his Mayor. And after that rash Rebellion of theirs against Royal Government, after so many Revolutions of Tribunes, Triumvirs, Quæstors, Ædils, Præfects, Prætors and Consuls, were never at rest or quiet, 'till they were settled again in their *Cæsars*. They themselves know best, what the Sedition of *Sylla* and *Marius* cost them, how many lives of Consuls and Senators, besides the blood of the Commons: Let them consult *Plutarch*, and see the bloody Scene of Butchery and Murder. Pray tell me, mighty Murmurers! in which was your *Rome* most bless'd, or suffer'd least, with the bloody War between *Cæsar* and *Pompey*, or the settlement of it in *Julius* himself? Did it not bleed and languish as much with the Civil Wars of *Augustus*, *Antony* and *Lepidus*, as it flourish'd when reduc'd to the only Government of *Octavius*? And would it not have been much better, had those succeeding Emperors been all Hereditary, when we find, that for the most, the Multitude and Soldiers were the makers and setters up of the *bad*, and the destroyers and

Orto, Viol-
lina, Helio-
gab. they
set up. A-
lexand. Au-
relianus,
Probus they
murder d.

and murderers of the *best*? 'Tis too much to tell you the story of our own Chronicles, as well as their Annals, how *happy* our Land was for a long time in a Lineal Descent of Hereditary Kings, how miserably curst in the *Commonwealth* of *England*, what blood it cost to establish it, what Misery and Confusion it brought us, when *unhappily* establish'd?

And as an Argument that the *Romans* flourish'd most under those Emperors, see with what Veneration their Imperial Sanctions speak of their power; they make it **Sacred* to disobey it; they made the very memory of those that committed Treason against them to be rooted out, the very || Thought of it they punish'd with as much severity as the Commission; all his Children, Servants, and whole Family were punish'd, though unknowing of the Crime. They punish'd those with the same severity that Conspired against any Minister of State, because relating to the Imperial Body, and *that* if they did but *think* of destroying them; and even those that were found but the movers of † Sedition were Gibbered or Con-

*Sacrilégii
instar est,
Ec. C. 1.
23. 5.
|| Quisque
vel cogi-
tavit. C. 9.
8. 5.

† Ibid.

Condemned to their Beasts. And as those Laws made all the Sanctions of all Princes Sacred and Divine, so do our* own declare the King capable of all Spiritual Jurisdiction, in being Anointed with Sacred Oyl; by which they give him all power in Ecclesiasticals too, to render his Person the more Venerable, and call the † Lands of the King like the Patrimony of the Church, Sacred: Prince and Priest were of old terms Synonimous, and signified the same thing. The *Jews* and *Egyptians* had no Kings but what exercised the Offices for a long time, of the Priesthood too, with which *they* then alone made the Monarchy *mixt*; and of this even * *Justin* can tell us in one of his Books: And for making their Monarchy more Divine, did *Romulus* and *Numa*, the Founder of their Religion as well as of *Rome*, Officiate in it sometimes too. So much did the Fathers of old prefer Monarchy to a Popular Government, that Sir *Walter Raleigh* tells us of the saying of St. *Chrysostom*, that recommended even a Tyrant before no King at all; and that is seconded with a Sentence of *Tacitus*, who

Dig. 48.

19. 38.

* 33. Ed.

3 10. H.

7. 16.

1 Inst.

† *Coke Litt.*

Sect. 1. fol.

1. B. The

Possessions

of the King

are call'd

*Sacra Par**trimonia.** *Justin.*

l. 16. 36.

*Præstat**regem Ty-**rannum**habere**quam nul-**lum.* p. 182.

Tacit. Lib.
1. Præstat
sub malo
principio
esse quam
nullo.

who tells us, *If the Prince be never so wicked, yet still better than none* : And for that of a Commonwealth, it was as bravely said by *Agésilæus* to a Citizen of *Sparta*, discoursing about Government, That such a one, as a common Cöbler would disdain in his House and Family, was very unfit to Govern a Kingdom. In short, all the Presidents that Mr. *Sidney* has given us, of the *Romans* driving out their *Tarquins*, of the *French* rejecting the Race of *Pharamond*, of the Revolt of the *Low-Countries* from *Spain*, of the *Scots* killing *James* the Third, and Deposing Queen *Mary*, are all absolute Rebellions, were ever Recorded so in History, and will be Condemned for such by all Ages. He should have mention'd for once too, the murder of our Martyr'd Sovereign, for to be sure he had the same sense of that upon which he was to have *sate*. But if any thing can recommend their Commonwealth, it must be only this, That it cannot be so soon dispatch'd, it being a Monster with many Heads ; to which *Nero's* Wish would not be so cruel, That it had but one neck, to be cut off at a blow. The clamour this
 Repub-

Republican made against Monarchs in *general*, was, whatever he suggests, appli'd to our *own* in *particular*, when he tells in the very same Page, of the *Power of the People of England*; and though he exclaims, and all others do, against this *Arbitrary Power of Kings*, 'tis certain themselves would make the *People as Arbitrary*: The Question is not, whether there shall be an *Arbitrary Power*, but the Dispute is who shall have it, there never *was*, nor ever *can* be a People govern'd without a Power of making Laws, and that Power (so long as consonant to reason) must be *Arbitrary*, for to make *Laws*, by *Laws*, is Nonsense. These Republicans, by confession, would fix it in *many*, and the *Multitude*; in Aristocracy 'tis fix'd in a *few*, and therefore in a Monarchy must be setl'd in ONE.

CHAP.

CHAP. VI.

*Remarks upon their Plots
and Conspiracies.*

AND now that they may not think I have *foully* Libell'd them in a Mis-representation of the dangerous *Principles* of their *Republicans*, I'll be so *fair* as to prove upon them too, the natural product of their own Notions; and that is, the *Plots* of the same Villains as soon as they have been pleas'd to set up for *Rebels*.

And *these* will appear from Chronicle and History, the Records of Time, and the best Tryers of Truth; *these* will not be falsified with *Reflection*, but be founded upon matter of *Fact*: And of *these*, this will fall in our way as the first:

About

About the Year 1559, there was promoted in *France*, a Plot and Conspiracy against their King, and that founded upon the same pretext; so many of ours have been of late in *England*, that is, Religion, but truly fomented by what has been always the spring, the very fountain of Blood and Rebellion, discontent and disgust toward the Government: For upon the death of *Henry* the Second, and the Succession of *Francis* his eldest Son to the Throne, the Princes of the House of *Bourbon*, thinking themselves neglected and despised, thrust out of Office and Employment at Court, and finding the Family of the *Guises* still prefer'd, whom they always as mortally hated, resolved to revenge themselves upon the Crown, (that is) to turn Rebels. Of these *Vendosme* and *Conde* were the principal Engagers, and drew in the two *Castillions*, the * Admiral and his Brother, * *Gasper de Collign, & Mr. D'An-* who for the removal of the Duke De *Montmorency*, their relation from that Court, to which he had prefer'd them, *delor.* were as full also of resentment against the Crown, as those that came to engage them With an invitation to invade

Y y

it;

it; and after all their several seditious Assemblies, after all the many Meetings they had made, after all the Treasonable Consultations they had held, no design was look'd upon by them more likely to prove effectual, than the making themselves Head of the *Huguenots*. And so *hot* were they upon this Project, the pursuit of another kind of *Holy War*, (that among our modern *Crusadoes* has been nothing else but a *Religious Rebellion*) that notwithstanding the *coldness* of the King of *Navarr*, they drew in most of the *Protesting* part of *France* to be truly Rebels, for the sake of their Seducers, while they made them believe they had only engag'd themselves to fight for the Religion of those they had so wickedly seduc'd. And so conducing then were the principles of a Republick to a *Rebellious Plot*, that one † *Renandie* that was forc'd to turn *Renegado* to his Country, for *Misdemeanors* committed in it, and fled to *Geneva*, as a Sanctuary for *Sedition*, after he had lurk'd there like a *concealed Criminal* abroad; upon his Return sets up for an *open Rebellion* at Home, after he had layn so long in the
lake,

† *Alias*
Godfrey de
la Bar.

lake, the sink of *Democracy*, you may be sure was well instructed how to resist a Monarch. He soon blows the coals that could easily keep up the Blood of the warm Princes that was already set so well a boyling : Him they pitch upon as the fittest tool to work out their design ; and in my conscience, coming from that Common-wealth, the Statemen judged not amiss, when they took him for an able Artist. With his help, and their own, it went so far, that Moneys, Men and Amunition was provided ; and a Petition drawn for a Toleration of Religion, though indeed but a Treacherous veil to cover their Intended Treason, which was to seize upon the Young King, upon his denial of what they knew he would not grant ; surprize the Queen that still opposed them ; and put the *Guisers* to the Sword, whom she favoured. But the Court being advised of the Conspiracy, had retired to the Castle of *Amboise* ; and so far did they prosecute their Plot, that their Petitioners were admitted into it, though their Arm'd Accomplices that were without, were compelled to fight for their Lives ;

which *Renaudie*, with the rest of the Ring-leaders of them lost; and the Rabble to save theirs, was forc'd to fly. * This

* To renew another about the end of this unhappy War, were publisht those Treasonable Tracts, *De jure Magist. & Brutus his Vindicia*: With another as pernicious a piece, a Dialogue compos'd (as pretended) by one *Eusebius Philadelphus*: Libels that expos'd Majesty to the Publick, like a piece of Pageantry, only to be look'd upon, and shouted at. *Vid. Heylin's Hist. Presb. pag. 68.*

was the præliminary Plot, and an unhappy prelude to a long and bloody Civil War, fomented first by the fury of a Faction that set up for Rebels; only because not favoured (as they thought) sufficiently by the Court, and then seconded even to an As-

faulting of the Crown in the Siege of *Paris*, and almost the Subversion of the *Monarchy*, as some Learned Historians surmise, from the secret Emissaries of the Republick of *Geneva*. I need not touch on the particulars in which the fatal War at last was forc'd to terminate; 'tis too much to tell you 'twas in a torrent of Blood: And what was worse, that of most of the Protestants, whom a transported Faction First engag'd to fight for Religion, when their own real Quarrel was only a revengeful resentment against

gainst the Court, and the Crown; and whom a Holy Common-wealth, the Republick of *Geneva*, still animated against the Kingdom of *France*.

It was upon the Preaching up of these principles by their * Professors at *Hydelberg*, and their Inculcating that old Aphorism of *Trajan*, when he bid his *Centurion* draw his Sword in his Defence, * if he Governed *well*; but if *ill*, then Against him: A saying that is Registred in every Piece that I have yet seen publisht by a Republican; as if in it were founded their very Bottom and *Basis* of all Rebellion. Building upon these Positions, and the dangerous Doctrines of *Democraticks*, the Divines of *Germany* Invited the *Palatine* Princes, and others of the Empire, to promote the Rebellion in *France*; and *Casimir*, second Son of the *Electör*, was sent to accompany *Conde* into that Country.

* *Ursinus.*
Pareus.

* *Si bene*
pro me si
male con
tra, me
stringio.

Instigated by these principles, in *Suevia* and *Franconia*, † forty thousand Peasants took Arms, under *Muncer* their Leader; Rebell'd against the Princes of the Empire, who were forc'd to raise all the Force they could

† *Sleid.*
Com. fol.
57.

An. 1575.

to suppress them, they were so bigotted, as to refuse Pardon when offered; but in the Battel were Beaten; five thousand six hundred Slain; their Captain fled, but being found out, was Beheaded. In the Year 1535, *John of Leyden*, a pitiful Taylor, possess'd with such Seditious positions, had got together such a *party* of People, that at last they possess'd them of *part* of the strong City of *Munster*, set up Senators of his Sect, taught the People to put down the Magistrates, and establish New Common-wealths; they burnt Churches; spoil'd the Suburbs, till the Bishop they Banisht, Besieged them, forc'd an entrance by Assault, took the Leaders, and hung them in Iron Cages on the City Towers.

From these Doctrines were the flames of Civil War kindled in *Flanders*, and Tumults and Disorders their daily practice; for at *Valencien-nes* they would commonly rescue the Prisoners of the State, when condemned to dye by Legal process; force the Officers to fly for their preservation; and with a number of two thousand break open the Doors of their

their Common Goal, knock off the Shackles of those that were in it, and so send them to their several Dwellings. The like happen'd at *Antwerp*, upon the Execution of one *Fabricius* a Priest. From these principles it was, that about the Year 1565, that these *Hollanders*, 9 of their *protesting* Lords, not at all Officers of State, conven'd at *Breda*, drew up a form of an *Association*, which they call'd too, their *Covenant* (and what has been since so well copy'd by our *English* Rebels) which they all Subscrib'd, and sent about by their *Emissaries*, through all the several Provinces for Subscription.

And as from these Principles, these Tumults and Disorders; Leagues and Covenants were created in the Low Countries: So followed also from them, an entire Defection from the Crown of *Spain*, and a Rebellious Revolt of the United *Netherlands*. For though Mr. †*Sidney* would impute it on †*Tyril* p. 25. ly to the Tyranny of the Duke of *Alva*; yet by his leave they were in Rebellion before ever he was sent, and perhaps was therefore design'd for the redu-

cing them to Obedience, because of his austerity and cruel disposition ; for Rebels that resolve commonly to shew no Mercy, are not reducible to their Allegiance , but with as much severity, I will grant them, that by this Rebellion they laid the foundation for the flourishing of the Protestant Religion in their new erected Common-wealth : Nay, and will pray that it may long there flourish, as well as under our own Monarchy at Home. But yet I cannot find from all the Divinity of the Bible, or the Schools, that Blood and Treason, Murder and Sacrilege (all which were the result of that Defection) could be sanctified into the doing God good Service, or for the sake of his Gospel ; nay, though it were for an Apostatizing from Paganism it self, which my Charity will not permit me (though some Peoples fury may transport them) to bring it in competition with Popery, and the Professors of the same God and Saviour. That the Protestant Religion is a *promoter* of such *Seditious* practices, none but besotted Pagans, or bigotted Papists will assert. But why
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in France, and these Parts of the *Netherlands*, by such *Sedition* it was promoted, my little reason will resolve into nothing less, but that in those Parts it was chiefly propagated by the Emis-
saries of *Geneva*, a pure and perfect Republick; who, at the same time they infused the principles of a sound Religion, insinuated too the positions of their Seditious Politicks, and mingl'd Poyson, not with common Meat, but their very spiritual Food: For *Luther* sure will be allowed the Name of a Reformer, as well as, and before Mr. *Calvin*; and yet we see the Protestant Religion flourish under his way of propagating it, without any Rebelling for it, unless from that See of *Rome*, from which it wisely Reformed. It was that very thing endear'd it to the Princes of the Empire; and I believe reconcil'd them to receive it the sooner, when they found nothing in it of the positions of a * *Mariana*, and the principles of a Society of Seditious Jesuites, that could subject the Civil Government so much to the Ecclesiastical, as to make an Excommunicated Prince, like a Branded *Cain*, to be killed

*His Book
burnt, e-
ven by the
Sorbonist,
at *Paris*,
A.D. 1610.

led by every one he met ; or the Doctrine of our too severe *Calvinists*, that can make every Town a *Lacedæmon*; set up their *Ephori*, even in every Monarchy, and make all Kings accountable to their People.

And this will appear somewhat probable from the next Historical Account we have of the effects of the principles of these *Democraticks*, which is in that of *Knox* of *Scotland*, a Fellow as Factious and Seditious, as Humane thought can Imagine, or his own heart could have wish'd ; a Fellow that had the Misfortune (which he call'd Happiness) to carry War and Confusion wherever he went. We had several Protestants of our own Nation, fled from a real Persecution of our bigotted Queen, to * *Frankfort*, a Town in *Germany*, and there lived quietly, with submission toward the Supream Magistrate, till this *Geneva* Gentleman no sooner arrived, but he sets all in Combustion ; is accused of High Treason toward the Emperor, for comparing him in Print (in some of Mr. *Sidney's* Similitudes) to a *Tarquin*, *Nero*, *Caligula* ; for which he was forc'd to fly

* *Vid.*
Troubles
at *Frank-*
fort, *Edit.*
Ann. Dom.
1642.

H *Sander-*
son's *Histo-*
ry of King
James, p.
15.

fly the Town, and Post away ; to what could only bear with as well as breed such Vermin; the *Lake* or their Commonwealth of *Italy*.

About the Year 1558, the Queen Regent of *Scotland*, when the Reformation was but in the beginning, as a special Act of Favour, for so it must be call'd, because then, not only contrary to her own Religion, but the Law of the Land, allow'd the *Congregators* (which were *Conventiclers* then too, as well as now, because the general Worship establish'd, was not theirs) the Bible in their own Language. But they no way contented with an Act of Grace from the Crown, and Instigated by this Incendiary ; this Scandal of the Reformation, *Knox*, that had taught them, they might Demand with their Swords, what was deny'd them by Law ; fell a reviling her, even for such a signal favour ; and when she sent for some of the more furious of the Faction, they came *all*, attended with a multitude of Favourites and Force, that for her Preservation she was compell'd to Command them to depart : And the *best* of Governors might well fear the *worst* from such

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an audacious Assembly : but this was so much the *more offensive* to them, only because they were Commanded to *offend her less*, that they throng'd into her Privy Chamber, threatned her with their *Arms*, till she was constrained to pleasure them against *Law*.

And as they then menac'd a Force, so they afterward made it good with as much violence ; for away they went, pulling down Monasteries, and

* St. Andrew's
Scone. Steer-
ling. E-
denburg,
&c. Spots-
wood. pag.
123, 124.

* Churches ; and seconding their *Sedition* with what could only succeed it, Sacrilege, that is, from Traytors to their Sovereign, to be Rebels to their God. And this by that Sanctified *Beast*, that invited them to debase themselves to *Brutes*, to be divested of *Humanity*, was call'd, a *Purging of the Temple* ; as if our *Saviour Christ* had countenanced an Extirpation of the Religion of some *Christians* : But though the Queen at last granted them the *free* and *publick* exercise of *their* Religion; though at last she only begg'd the *private* use of her *own*, that was by such Seditious Subjects, thought a boon too great to be begg'd, by their Sovereign ; they Protest against it,
Preach

Preach against it, Print against it, and Assault her House of Worship; break the Wax Candles, with the Windows of her Chappel; force their Queen Regent to fly to *Dunbar*, and then as fairly Depos'd her for being fled; though at the same time they profess against her Deposition. And if we'll believe a Loyal, and Learned * Author, they * *Sander-son*, p. 31. proceeded so far in their petulant piece of Reformation, that they Religiously Reform'd the very Petticoats of the Queen, and the Ladies of the Court, which they look'd upon as too fine for the plainness or simplicity of the Kirk: How near our present Pretenders, that have taken Arms for the Protestant Religion, will tread in the steps of their *Reforming* Predecessors, must be Collected from the Precedents they give us of their being but Implacable Republicans; especially when we have nothing now to be Reform'd unless what they deny'd to the Grandmother of our present Sovereign, that their King himself shall not be indulg'd to exercise by himself the Religion he professes, at the same time he Protests to defend all his Subjects

jects in the establish'd Profession of theirs. The Actions of the late Rebel Scot, of the last Age, they say, squinted like their *Argyle* that headed them, working one way, when they profess to design another; and they might have had as much reason to distrust the Promises of his late Declaration, the Sincerity of his Son, that succeeded him, even in a Rebellion.

In the Year 1565, when the Queen of Scots was married to *Henry Stewart* Lord *Darnly*, The Rebel-Lords instigated from the Preachings and Principles of this *Knox*, the *Ferguson* of his Age, who rail'd at the Government, and reflected upon the King; betook themselves to Arms, and brake into open Rebellion. Lord *Darnly*, upon this Match being proclaim'd King, marcht against the Rebels, who fled into *England*; and though through Intercession this Rebellious Business was Reconcil'd, yet within two Years after, the King was barbarously Butcher'd and Disparcht; but by whom, because their Historians do not agree in it, can be only best determined by Conjecture; and must probably lye at their Doors
that

that could Rebel against their Sovereign in an *open* War, and then (sure) as likely to let upon Him in a *secret* Assassination; especially when their Principles instructed them in *both*, and their Preachers had made the Murder of their *King*, an Oblation to their God: And besides, when they rebell'd also against *Bothwell*, the Queens *second* Husband too, as well as the *first*; whom they forc'd to fly into *Denmark*; seiz'd on the forsaken Queen; seiz'd her in an * *Isle*; compell'd her to resign her Crown; and if we'll credit an *Authentick* * *Historian*, were not so well satisfied with her Resignation of her Sovereignty, but that they consulted too to deprive her of her Life; and very likely to have prevented her loving Cousin *Elizabeth* in *England*.

* *Isle of*
Locblevin.

* *Sanders.*
History of
K. James
pag. 52.

Upon the same Principles the same Seditious *Demonstrations* proceeded against her Son and Successor, that was after ward our own Sovereign, *K. James*, then a young Prince about 12 Years old, whom they † seiz'd at *Ruthen*, carried in Triumph and Constraint to *Edenburgh*; from which he was forc'd to contrive an Escape, which he made

† *Vid. Spots-*
woods Hist.
p. 323, 324.

by

by the Means of Collonel *Stewart* a Captain of his Guards; but shortly
 * *An. 1503.* afterward * (incited by the Seditious
 Insinuations of their *Geneva* Principles
 brought them home fresh, hot, and
 reeking with Blood and Rebellion; by
 one *Melwill* that had come from thence
 but a few years before, to supply not
 only *Knox's* stock of treasonable Po-
 sitions, but to succeed him in his Place
 of an implacable Incendiary, his Pre-
 decessor expiring a Year or two be-
 fore he came over) by this Factious Fel-
 low's and his Associates Seducements;
 did I say, shortly after the Earl of *Gow-
 ry*, conspire against the King and break
 out into an open Rebellion, which he
 deservedly suffered for, with the loss
 of his Head. Then is this succeeded
 by *Boswell's* Rebellion; who had con-
 triv'd to seize the King at *Halyrood-
 House*, but unsuccessful forc'd to fly,
 and returning better assisted, the second
 time effected, what only he design'd at
 first: But the King escaping to *Sterling*,
Boswell is pronounced a Rebel by the
 States, but yet is so well befriended by
 these Disturbers of all *Kingly Govern-
 ment*, that they gave him the very
 Money's

Moneys they had collected for their beloved Brethren in the *Republick* of *Geneva*; by which, with other Assurances, they enabled him to fight his King in the Field. Then is that succeeded with a second of the *Gowry's*, the Son of him that rebell'd before, where they contriv'd to get the King to dine in their House at *Perth*, seduc'd him up into some higher Chamber, and there left him to the mercy of an Executioner, from which his Cry, and the timely Assistance of his Servants only rescued Him. These were the Confusions, Distractions, and even Subversions of some States that were occasion'd by the restlessness of Implacable Republicans, Emissaries of *Geneva*, throughout *France*, *Flanders*, *Scotland*, and *Germany*: You shall see now in the next place what disturbances they have created us here in our own Isle, what Plots and Conspiracies their Principles have promoted in *England*, as if in that expostulatory † Verse^{† Que regio in terris, &c. Virg. Æneid.} of *Virgil*, there was no Region upon Earth but what must be fill'd with their diffusive and elaborate Sedition.

† In a
Speech to
her Par-
liament dis-
solv'd, An.
1585, and
of her Reign
27, She de-
clared them
dangerous
to Kingly
Rule, vid.
Holinshed's
& Stow.

Queen Elizabeth was no sooner setl'd in her Throne, but they as seditiously endeavour'd to subvert it; They libell'd her Person, set their Zealots tumultuously to meet in the Night, invading Churches, defacing Monuments, and so full at last of the Rebellious Insolencies of that Italian Republick, to which they commonly repair'd to receive Instruction, that her Majesty thought fit to hang up *Hacket*, with a half dozen more of them, as dangerous Subjects to her Sovereign Crown and Dignity. †

When King James, who succeeded her, came to our Crown, did these Malecontents that had molested him so much in Scotland, disturb his Government here too, as much. *Melvil*, that Northern Incendiary, was as busie with his Accomplices here too, to set Fire to Church and State, and for that purpose publish'd several Libels against both; for which (being then at London) he was sent to the Tower: And so far had those darling Demagogues insinuated themselves, that the Hydra of a Popular Faction began to shew its fearful Faces, in the very first Parliament

ment of his *Reign*, though * in that * 1 Jacob
 they had so fully formerly recogniz'd¹
 his *Right*: For in some of those several
 Sessions of which that consisted,
 one of the Seditious Senators had the
 Confidence to affirm in the open As-
 sembly, † *That the giving the King* † Fowles
Moneys might empower him to the Hist. pag.
cutting the Members Throats; an In- 65.
 solency that some of our Modern Muti-
 neers upon the same Occasions have
 * as seditiously express'd. King James * Vid.
 Dissolv'd that Parliament, call'd ano- Printed
 ther, and that as Refractory as the former Votes H.
 which instead of answering the Com. That
 the giving
 the King
 Money, &c.
 † Vid. even
 Rushworth.
 C. 11. p. 40.
 c. 16. E.
 King's Request, draw up their own in
 a *Remonstrance*, † second it with a Pro-
 testation for Priviledges; representa-
 tion of Religion and Popery, intermed-
 dling with his Match of *Spain*, and
 several Affairs of State; so that he
 was forc'd to dissolve that *Politick* Bo-
 dy too, and soon after suffer'd a Disso-
 lution of his own *Natural* one, dying
 under the *Infirmities* of Old Age, and
 leaving behind him an *old* Monarchy
 rather weakned with *Innovations* of Re-
 publicans; with the worst of Legacies
 to his Son and Successor; A discon-

tented People, an *Empty* Purse, with a Costly War, into which he was not so much *engag'd*, as *betray'd*.

And now we are arriv'd to what all the Stirs and Tumults of our Seditious Souls, our discontented *Democraticks* in the *Reign* of King *James*, did aim at and design, the Destruction of the Monarchy, which they could not accomplish till this of King *Charles*, in that they never left till they *laid* such a Plot, that at last *laid* all the Land in *Blood*, and made an *whole* Kingdom an *Akeldama*: For that they first quarrell'd at the Formality of his Coronation, because in the Sacred Part of it, the Prayer for *giving him* Peter's *Key*, was first added: This some silly Sots suggested to favour of Popery tho', it struck purposely at the very Popes Supremacy it self. For that they began to Tax their King for taking his Tonnage without an Act, and yet refus'd to pass one, that he might take it by Law, unless he would accept of it in Derogation of his Royal Prerogative, for Years, or *precariously*, during the Pleasure of the Two Houses, when most of his Ancestors enjoy'd it for Life.

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life. *Turner* and *Coke* led up the dance to Sedition, and reflect upon their King in their Speeches: The Commons command his Secretary Office and Signet to be searcht, and might as well have rifled his Cabinets too: They clamour against his favouring of Seminary Priests, tho' he had sent home the very *Domesticks* of the Queen, and that even to a disgust to *France*, and a rupture with that Crown: They upbraid him for dissolving Parliaments, tho' grown so insolent, as to keep out the *Black-Rod*, when he came to call them to be *Dissolv'd*, tho' their King (notwithstanding the provocations) assembled another assoon, and that tho' he had the fresh President of the then King of *France*, That had laid aside *his* for a less presumption: Thus they call'd all his Miseries and Misfortunes, Misgovernments and Faults, when themselves had made him both *faulty* and *unfortunate*. They accuse him for favouring the *Irish* Rebellion, tho' the first disorders in *Dublin* were, by his diligence, so vigorously suppress'd; their Goods confiscated, their Lands seiz'd, their Persons

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imprisoned, and such severities shew'd them by his Commissioners there, that two Priests hang'd themselves, to prevent what they call'd a Persecution. The *Scot* Mutinies, upon the King's restoring the Lands to the Church, of which, but in the minority of his Father, it had been robb'd; assail the Ministers in the Church, in the very administration of the Sacrament, because according to the Service-Book: *Protest* against their King's Proclamations; set up their four Tables at *Edenburgh* (that is) their own Councils in opposition to their King's: *Hamilton* had promised them as Commissioner to convene an Assembly; they come and call a Parliament by themselves; which, tho' dissolv'd, they protest shall sit still, then desperate in a Sedition, break out into open War, Invite Commanders from *abroad*, seize Castles at *home*, agree to Articles of Pacification; and then break all with as much Perjury. *Lowden* their Commissioner sent to propose *Peace*: At the same time treats with the *French* Ambassadour for War; bring their Army into *Northumberland* and *Durham*,

ham, and prey upon those Counties they had promised to protect; while the Parliament at *London* will not give their King leave, or the Citizens lend a penny for opposing those that came to pull him out of his Throne. At the Treaty of *Rippon*, they quarrel with their King for calling them Rebels, that had invaded his Realm; the Commissioners of the *Scots* conspire with the *English*, who then fall upon Impeaching his Privy Counsellors; and the unfortunate *Strafford* suffers first, because so ready to Impeach some of them; and they make that Treason in a *Subject*, against the King, which was heard, known and commanded by the Sovereign. Then follows *Land*, a Loyal, Learned Prelate, and that only for defending his Church from *Faction* and *Folly*: As they posted the *Straffordians*, and repair'd in Tumults to their King, for the Head of that *Minister of State*; so *Pennington* with his pack of Apprentices, petition'd against the Bishops and the Pillars of the Church: Then *Starchamber* must down, High Commission be abolisht: Forest bounds

limited, yet all too little to please, when the *Irish* Rebellion followed, to which the *Scots* had led the Dance ; no Moneys to be levied in *England* for suppressing it, till the King had disclaim'd his power of Pressing Soulders, and so disarm'd himself ; that is, he was not to fight for his *defence*, till they had disabl'd him for *Victory*: They quarrel with him, because he would not divide among them the Lands of the *Irish* before they were *quell'd* and *subdued*, at the same time they had quite incapacitated him to *Conquer* and *Subdue* them. Then Acts must be past for *Annual*, *Triennial*, and at last, *perpetual* Parliaments : And whereas the Law says, The King never Dies, they made themselves all Dictators more *Immortal* : They were summon'd in *November*, and by the time that they had fate, to *May*, they had made of a Mighty Monarch, a meer precarious Prince : And in *August* following, supposing he had sufficiently oblig'd the most Seditious *Subjects* (which I think he might Imagine, when he had made himself no King) he sets out for *Scotland*, to satisfie them as much there, while

while the Senate of Sedition, that he left to sit behind him, resolv'd it self into a sort of Committee of Conspiracy, and that of almost the whole House; made a Cabal among themselves, to to cast off the Monarchy, which the Knaves foresaw could not be done but by the Sword, and therefore cunningly agreed to second one another, for the putting the Kingdom into a posture of Defence against those dangers *abroad*,, which they themselves should think fit to feign and fancy at *home*. To carry on their Plot against the *Bishops*, they put in all probability that lewd *Leighton*, upon writing of his *Plea*, which was, *Bring out those Enemies and slay them before him*; to smite those *Hazaels* under the fifth Rib: For which in the *Star Chamber* he was Fin'd and Imprison'd; but for his Sufferings, and the Dedication of his Book to the Commons, they Vote him Ten thousand pound. Upon the Kings return from his Northern Expedition, which was to procure *Peace* only with a shew of *War*, they having had a competent time for Combination and Plot, were arriv'd to that exalted Impudence; that

that notwithstanding he was received with Acclamations from all the common People of the Kingdom, the People whom they were bound to represent, the welcome from his Parliament was to present him with Remonstrances ; and Petitions (which against his very expresse order they Printed and Publisht) of such sort of *Grievances* ; that sufficiently declared they were *griev'd* at nothing more than his being their King. They put upon his Account the thirty thousand pounds they had pay'd the *Scots*, for Invading *England* ; that is, they gave them the Moneys for *Fighting* of their *King* ; and then would have had the *King* paid his own *Subjects* for having against him so bravely *Fought* : They should for once too have made him responsible, and his Majesty their Debtor for the two hundred thousand pounds they paid the same Fellows at *Newark* to be gone, whom with their thirty thousand pounds they had invited in before : They should have made the King pay for his own purchase, and answerable for the Price the Parliament had set upon his Head. This seem'd

seem'd such an unconscionable sort of *Impudence*, that their hearts must needs have been Brass, and seer'd as well as their Foreheads in offering it : An *Impudence* that none but such an Assembly were capable of : *Impudence*, the *Diana* of these Beasts of *Ephesus*, the Goddess of all such designing *Democraticks* * that to be somewhat, in the true sense of the *Satyr*ist, must desire a *Dungeon*. These their Petitions they seconded with Tumult and Insurrection; sent the *Justices of Peace* to the Tower, only for endeavouring to suppress these Forerunners of a *Civil War*, when they had taken the Liberty to Impeach some of the King's best Subjects for *Traytors*, yet deny'd their Sovereign to demand their Members that had committed High Treason. About the twenty eighth of *January*, 1641, they humbly desire the Sovereignty; and their Petition that BEGUN, *Most Gracious Sovereign*; ENDED only in this, *Make us your Lords*; for they 1st. demand the Tower of *London*. 2^{ly}. All other Forts. 3^{ly}. The Militia; and they should have put in the *Crown* too. The stupid Sots had not the sense to consider,

* Aude aliquid brevibus Gyris & carcere dignum si vis esse aliquid, Juvenal. Satyr.

consider, or else the resolv'd blindness, that they would not see, that those that have the power of the Army must be no longer Subjects, but the Supream power : The *King*, you may be sure, was not very willing to make himself *none*, and might well deny the deposing of himself, tho' he after consented, even to this for a time ; but what he would not grant with an Act, they seiz'd with an Ordinance ; and though they took the Militia, which was none of theirs, by *Force* and *Arms*, yet Voted against their King's Commission of Array that was settled upon him by *Law* ; they force him to fly to the Field, and then Vote it a Deserting the Parliament ; they necessitate him to set up his Standard at *Nottingham*, and then call it a *Levying War* ; they Impeach nine Lords for *following* their King, and yet had so much nonsense, as to call them *Delinquents*, which the * *Law* says none are but what adhere to his Enemies : they send out their General, fight their King, and after various events of War, force him to fly to the perjur'd *Scot*, to whom they had paid an hundred thousand pounds to come

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* *vid. Com. Lit. 1 Inst. p. 26. B.*
For adherence to the Kings Enemy without the Realm, the *Delinquent* to be attainted of High Treason.

in, and were glad to give two to get *out* ; and for that they got the King into the bargain : An Act of the *Scot* that was compounded of all the sublimated Vices that the Register of Sins, or Catalogue of Villanies can afford ; feigned Religion , forc'd Hypocrisie , Falshood, Folly, Covetousness, Cowardize, Perjury and Treason ; for upon his refusal to Sign their Proposals, they tell him the defence of his Person in the Covenant, must be understood only as it relates to the safety of the Kingdom ; and upon the *English* proffering them the Moneys, they wou'd prettily perswade him, that the promise their Army made him for his preservation, could not be kept ; because the Souldiers and the Army were different things, and the Army might promise what the Souldiers might refuse, and were unwilling to perform. But this purchase of their double Perjury was punisht with as much perfidiousness ; their Army got into their hands for *nothing* ; the poor Prince, the Parliament thought they paid for too dear : And as that Seditious Senate fought their Sovereign in the Name of *King* and

and *Parliament*, so now the Souldiers of *Fairfax* set themselves to fight the Senate, for the sake (forsooth) of the *Parliament* and *Army*: Good God! Just Heavens! that could visit such Vipers, such Villains, in the same villany they committed; and make such Seditious Hypocrites suffer by as much Treason and Hypocrisie. Their Agitators menace the King with Death and Deposition; they make him their Prisoner; move in the House their *non-addresses*; make it Treason to confer with their King; set up an Ordinance for his Tryal, and there Sentence, ~~that~~ against which Treason could only be committed, as a *Traytor* to the State.

And here then, With what face can the Faction justify such a Barbarous Rebellion, or accuse their King for the beginning of the War? Yet such a sort of Seditious *Democraticks*

**Vid.* Tryal, p. 26.

† *Plato* *Re-divious*, p. 167.

does our Land afford: * *Sidney* says, *Such a general revolt of the Subjects can not be call'd a Rebellion: And* † *Plato*, *Our Parliament never did as they pretended make War upon the King. Till such persuasions are rooted up out of their* *Rebellious* hearts as well as they are

are in them, no Prince under the Heavens can protect himself from such resolute *Rebels* as will destroy all Subjection in the World, and make the blackest *Treason* our own *Civil War* but a prudential act of State, and even of Loyalty it self; the **rescuing the** *Ibid.*
King only out of those Mens hands that led him from his Parliament: But do not they tell us even by his own concession in one of their Votes, That it was the *King* that was *seduc'd*; and must it not be the *King* too that they would *reduce*; and by what means, why therefore they say they *take up Arms*; and did they design to command their Bullets and Ball not to meddle with the *King* that was only *seduc'd*, but only to take off the evill Counsellors that were his *Seducers*? I confess, could they have promis'd his Majesty so much, he might have took them for good Gunners, but must still have believ'd them bad Subjects that would have put it to the venture: But with this Gentleman it seems it was a sort of proclaimed *War* of the *King's*, to take that **unfortunate resolution** *Ibid.*
 of seizing the five Members: Most
 Factious

Factionous Fool! did the King *rebell* against his Subjects, only when he came to seize actual *Rebels*, whom himself desired only to be Try'd for Treason, and that of the deepest dye; for inviting in a Forreign Foe, the *Scots*, must not the Parliament without the King be the Supream power, if the King can be said to Rebel against the Parliament? but this Republican that

* *Ibid.* 168. expressly makes them * *Co-ordinate*, may as well call them *Supream*; for these Gentlemen paid off the King for his *unfortunate resolution*, and declare that his coming to their House was High Treason: And well might the *King* shift for himself, when they had made his Majesty reside in the House of *Commons*. Prethee for thy senses sake, who levy'd *War* first? those that seiz'd upon the King's Forts, Magazines, Towns, Ships and Revenues, levy'd Soldiers; or the King that had nothing of Military left him but the *power*, and not a single Company of Horse or Foot that he had rais'd: It was the twentieth of *October*, 1641. they brought the *Trainbands* into the *Palace Yard*, to protect themselves; thousand

that is, to terrify their King : It was the eighth of *January*, 1641. that forty thousand of the Inhabitants of *London* put themselves in Arms, to fight fifteen hundred of the King's Horse, that were to come and surprize the City ; the one were actually Arm'd, the other never came or design'd to come : They rigg out the Navy on *March* the 2d. the King's Militia is seiz'd, and new Lieutenants set by their Ordinance, the fifth of *March*, 1641. and on the twenty third of *April* they deny'd him entrance into his own Garrison at *Hull* ; the tenth of *May* the Citizens are Mustering twelve thousand Men in *Finsbury* Fields ; the King does not summon his *Torkshire* Gentlemen till the twelfth of *May* ; did not grant out his Commission of Array till the twentieth of *June*, when they had sent out their Orders and Proposals for Men and Horse, Money and Arms, the tenth ; did not set up his Standard at *Nottingham* till after the twelfth of *August*, when their Parliament had rais'd their Army the seventh of *July* : And this Vote of their King's being seduc'd by wicked Counsel, from which this Seditious *Damagogue* would infer the King

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clared to them War before, was made on the twentieth of *May*, which was after they had seiz'd his Forts and Militia, his Shipping and Navy, and Muster'd their Citizens in the Field. And a Month before the King sent out his Commissions of Array, and above two Months before his Standard was set up. That this is exactly *truth*, Consult even the *Exact Collection* : And whether this Seditious assertion be not a Devilish *lye* ; but your own Breast : And as they begun this War of Weapons in their House, so they did that of Words too ; and invading the *Prerogative* before the least breach of Priviledge. One * *Turner* a Physician, under a pretence of reflecting on *Buckingham*, abuses the best of Kings : *Cook*, amongst other Invectives, says openly, *It was better to dye by a Foreign Foe, than be destroyed at home.* These were but preludes to the *Liberty* the *licentious Villains* took afterward, when *Martin* declared to the House, * *That the King's Office was forfitable* ; when † *Sir Henry Ludlow* said to the same effect, *That his Majesty was not worthy to be King of England* : And
Prideaux

* *Vid. Baker*, p. 435.
A.D. 1625.

* *So Plat.*
Red. p. 117.
 † *Vid. The*
Royal, and
the Royalist's
Plea, printed,
A.D. 1647.

Prideaux was at last come to make his Speech there, for *Abandoning Monarchy*; it was so early too that they were so forward to Usurp upon the Crown, that even in this Year, 1625. they offer'd to search the King's Signet Office, and examin'd the Letters of his Secretary of State; all this was offer'd at in the very first Parliament that he summon'd, all of which the King complain'd to them of by * *Finch* then the Lord Keeper, as things *unwarrantable* and *unusual*; they prosecuted too *Buckingham* with the more violence, only because the King had told them, That he acted nothing of publick Employ without his special Warrant; That he had discharged his *trust* with fidelity; That he had merited it by desert, and that it was his express Command for them to desist from such an unparliamentary disquisition: And for my part I cannot apprehend, how according to common sense and reason both in this case and *Strafford's* that succeeded; they could make those *Traytors* to their King, of whom their King declar'd they had never *betray'd* their *trust*: It

**Vid.* Lord
Keeper's
Speech to
the Parlia-
ment, *A.D.*
1625.

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was such a sort of *Treason* against their King, which their King *knowing* and *approving* did not think High *Treason*, and the person against whom it could only be *committed*, apprehending no *Commission* of it at all. But those Statesmen were so unhappy as to live in an age that made *Treason* as unlimited as ever it was before *Edward* the Third, and which for all his * twenty fifth, and the first of *Mary*, restrained *Treason* to conspiring against the *King*, and the *Laws* of all the World makes it a Crime only of † *Lesa Majestatis*, they could bring it now to a *levying War* against the *Majesty* of the * *People*. A hard fate for many Ministers of State, that are *sacrific'd* sometimes, only for *serving* too well.

But these *proceedings* against the *King* were long I hope, before the King *proceeded* only to take *Traytors* out of an House of *Commons*; this was seditiously done in twenty five, the other not *lawfully* attempted till forty one. And judg now malicious Miscreants! where, when, and by whom were the first provocations given to discontent, and who were the first Aggressors

25. Ed. 3d.
* 1. Mar.

† Lex Julia
Inst. 4. 18.
3d.

* Merc.
Polit.

gressors in a barbarous and a bloody Civil War? Why don't they tell us too our present Sovereign *invaded* first the Rebels in *Scotland*, and those that landed at *Lime*? The *next* age may as well be brought to believe *this*, as the *present* that. All that their best Advocates (unless absolute Rebellious) can urge in their defence, is, the Parliament seiz'd only upon the King's Forts, for *fear* he should fortify them against the Parliament: very good, that is, they first made War upon *him*, for *fear* he should make War upon *them*; that's the *English* trick of it: And I can tell it them in a *Spanish* one too; so *Gondamor* got *Raleigh's* Head he told them, not for the mischief he *had done* them, but for that which he *might do*. But had not the Laws provided so particularly for the King, this would be madness and cruel injustice even among common Subjects; reduce us *both* into *Hobbs's* his state of *nature* and his *fear*, to kill every one we meet, for *fear* of being kill'd; or set our *Neighbours* House a fire, for *fear* it should catch of it self and consume our own.

And now be witness even the worst

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and the most warm Assertor of a Commonwealth; in this case be for once what you so much affect, *Judge* between you and your King. The *King* had his Court of Starchamber constituted by (a) Common Law, and confirmed by special (b) Act of Parliament: The Commons they send up a (c) Vote and Bill for suppressing it: The High Commission was established by the (d) Statute of the Queen, the Commons come and would put it down with a (e) Vote: The Court of Wards and Livery, the tenures of which were even (f) *before* the Conquest, and drew Ward and Marriage *after* it; was established by particular (g) Act; the Commons clamour to have it suppressed, which to please them is done. The King had several priviledges that belong to the Clerk of his Market, confirmed by ancient (h) Custom, and (i) several Statutes, abolished by the Parliament in the Year 1641. The (k) King had the Courts of his Forests, his Judge in it constituted of old by Writ, then by (l) Letters Pattents: This was a grievance which was never *before*, and therefore must, and was

(a) 4 *Institutes*, c. 5.

(b) *Reg.*

Hen. 7.

(c) The

9th. of

June,

1641.

(d) 1 *El.*

c. 1.

(e) The

ninth of

June,

1641.

(f) 4 *Inst.*

p. 192.

(g) 32. *H.*

8. c. 46.

(b) 4 *Inst.*

c. 61

(i) *Ed.* 1.

Hen. 8.

R. 2. *H.* 5.

(k) *Chart.*

Forest.

(l) 27. *H.*

8. c. 24.

was suppress with the rest: The *(m)* Law *(m)* Magn. char. c. 29. required no person was to be Imprisoned, or put out of his Lands but by due Petition of Right. course and custom: None to be adjudged to Death but by the Law established: they *(n)* confined several *(n)* Dug. view. p. 68. of the Kings Subjects, send the Bishops by order of the House to the Tower; and by special Bill attain *(o)* 19. April. *Strafford*; and Behead *Land* *(o)* with an *(o)* 10. Jan. Ordinance. Resolved by all the Judges *(o)* 1644. in Queen *Elizabeths* time, that to levy War to remove evil Counsellors is High Treason against the King; they pass a Vote; *(p)* that the King was seduc'd by *(p)* May. 20. Exact evil Counsellors against whom they levied War to remove. There is a *(q)* *Special Statute* that says expressly that the *(q)* 12. B. 7. Subjects that aid the King shall not be *(q)* 1. molested or questioned: They publish their Declaration, *(r)* *That it was against* *(r)* 17. May. *the Laws and Liberty of the Kingdom* *Ex. Coll.* *to assist the King*, that the Sherrieff of the *(r)* 193. County ought to suppress them: The *(s)* Law makes those Delinquents that *(s)* *Coke Lit.* adhere to the King's Enemies: they *(s)* P. 164. *(t)* Vote those that serve him in such *(t)* 20. May. Wars *Traitors* by a *Fundamental Law*: The *(u)* Statute provides that the Parlia- *(u)* Ed. 2.

ments should assemble peaceably; they by particular order bring Horse and Foot into the Palace Yard. In short, The Parliament first seizes the Militia, against an express (x) Act that sett'd it solely on the King: The King sent out after his Commission of Array, for which he was impower'd by (y) Act of Parliament: The Parliament order the raising an Army against the K. declared Treason by special (z) Act: The King then Summons his Subjects to his assistance at (a) York, and comes and sets up his Standard at Nottingham, & for that was warranted by the Laws of the Land, and (b) several Statutes of the Realm.

(x) 7. Ed. 1.
(y) 5. H. 4.
(z) 25. E. 3.
(a) 5. July, 42.
Exact.
Coll.
(b) 1. Ed. 2. de. militibus,
7. Ed. 1.

I have taken this pains both to prove that *bloody War*, that *general Revolt*, to be a plain Rebellion; and that the War it self was begun by those that were the only *Rebels*, the *Parliament*; because you see that both those positions have been laid down among our * Republicans; either of which should it gain credit, is enough to run us again all into Blood: And both together as false as *Hell*, and can be the Doctrine of none but what's the Author of *all Sedition*; the *Devil*.

* Sidney's
Tryal, p. 26.
Plato
Re-
divinus,
p. 167.

These

These were the Plots which they practis'd upon that poor Prince, whose Sincerity was always such, that he could not suspect in Nature such a sort of designing Villains; nor humane Wit, well imagine such ingrateful Monsters, that for their King's continual Concessions to *better* the Conditions of his Subjects, should still Plot upon him to render his own the *worse*. Here we saw what all these Positions, Principles, Practises; all their Preaching, Praying, Printing did tend to, and terminate in; the People enslav'd, the Monarch murder'd, the Government undermin'd: But as these Maxims of our *Democratick's* were destructive to our Monarchy, and produc'd (as you have seen) those *Plots* and Conspiracies that subverted it, so shall we see by subsequent Events, and be inform'd from as much Matter of Fact, what I have heretofore insinuated, only from the force of Reason, that the same Principles after they had set up their Commonwealth, made them *Plot* too upon one another.

When

When the Parliament had imprison'd their *King*, whom they bought for a *Slave*, confin'd him with a merciless Cruelty at *Holdenby-house*, then a Castle and Garrison; and by that Act made him no more a Monarch, but a Prisoner of War; themselves no more his Subjects, but his Masters and Sovereigns; the Parliament having had so far the End of their *Plot* upon the King, now the Army take their Turn to *Plot* upon the Parliament, who when they had made their Monarch *accountable* to their Memberships, might as well sure expect by their *Servants* to be call'd to *account*. The Parliament when they had wrested the Sword out of the King's Hand, knew themselves the *Supream Power*, and were as certain they could as soon send him packing with his *Supream Right*: The Soldiers now are sensible that the Members of the Army have that Sword in *their* Hand, which the Parliament took out of the *King's*, and see no reason why they may not make themselves the *Supream Parliament*; (for this their *Original Right* of the *People* over the Magistrate, will always

ways I warrant you, be appropriated to that part of it that has an *Actual Power*) and that they found, for *Cromwel* conspires with his Adjutors, who (like provok'd Beasts) begin to be warm'd into a perception of their own Strength; which even when a Horse comes to know, to be sure, he'll throw his Rider: For this he fools his Fellow-Senators with a Suggestion of his readiness to suppress any Soldiers Insurrection, at the same time that he set them on to rise. The *Parliament* had plotted by Subscription and Petitioning, to advance their *Power* upon the *King*; their humble Servants the Soldiers now subscribe, petition that the *Parliament* would be pleas'd to submit to their *Power*, send to the Good Houses at *Westminster* the * Representation of * *Histor.* their Army, that *they* (forsooth) were *Independ.* the *Delinquents* now, and that *they* be ^{p.27.} speedily purg'd of such Members as for *Delinquency* were not to sit there: They make eleven of them Traytors, † im-† *Ibid.* peach them of High-Treason to the Army, when both Impeachers, and Impeach'd, had forfeited their Heads to the King: They had Counterplotted this

* *Ibid.*

this with an * *Ordinance* of the House for the Disbanding the Army ; but the Army found they had a more fearful *Ordinance* for them in the *Field* ; they had under their Command the Militia of the Camp, and so resolve to command that too of the City : The Contrivance for this is first *Fairfax* his Remonstrance, to which the Commons

† *Ibid.* p. 40.

† submit ; but for that the Apprentices that had served them before against their King , come now in as

* *Ibid.*

* tumultuous a manner, and frightn'd them into a Flight to the Army, that so their City might retain its Militia. The *Westminster-men* that stay'd, plot against the Men at *Windsor* that were fled, call in the Members that their Army had impeach'd ; for this the

† *Ibid.* p.

44, 45, 46, 47, 48.

† Soldiers sign an Engagement, send a Remonstrance, and themselves as soon conspire to follow ; march toward the City, draw up at *Hounslow-heath* ; send their General with a Party to make a new Parliament, or patch up the old. To prevent the *Personal Treaty* with the King, they drew up their *Agreement* of the P E O P L E, resolv'd on their Votes of Non-addressing, which
recall'd,

recall'd, they again re-extorted, rejected the Lords for refusing to Judge their King, whom having dispatcht, there remain'd the *Rump*, that is, the remnant of the Commons; the Creatures, or rather Created Council of an Army, and all the late flourishing *Democracy* of the long Parliament and the two Houses, turn'd into a perfect Oligarchy of *Officers*: And all what those *Devils* had possess'd themselves of by Treason before, torn from their hands by a *Legion* of *worse*, with as much Treachery and Plot.

And one would think that all *Plotting*, that all conspiring should have been over now; but you shall see that the same principles that prevail'd upon the Rebels to ruin the *Monarchy*, and run it into a Republick; that promoted the Army to destroy the then *Democracy*, and so set up their own *Oligarchy*; did also incite a single Usurper among those *few* to set up for himself, and turn it into true *Tyranny*: Their own positions first plac'd the Supremacy in the Parliament; because the *two* States were greater than the King that made but *one*: The Army places
the

the *supremacy* in their *Sword*, because it was *greater* in the *Field* than the *two States* in the *House*; and then comes *Cromwel* and setl'd the *supremacy* on *himself*; because the sole *Commander* of all the *Army*: his success at *Dunbar*, and the routing of the *Scot*, did so much his business, that there could remain but little opposition of a *Rump*; and a Man that is made by a *weaker power* but once a *General*, can soon make himself by his own *strength* the *Generalissimo*; he had formerly been so prevalent as to procure *Petitions*, *Addresses*, *Remonstrances*, for the establishment of that patch'd piece of *Parliament* (and all our *Metaphysicks* will allow, that what can create, can as soon annihilate) he found his *Omnipotency* in this point, he knew he had set them up against all *Right*, and therefore had the more to run them down without *Wrong*, and that as he did design, so he effected too. It was indeed a *Parliament* of *Soldiers*, and he serv'd them like a *General*, only by signifying to them to *Disband*, and they not daring to deny, determin'd their sitting to be on the fifth of *November* following: But he not willing

willing to tarry so long a Servant to those he could command to obey ; those that would not so soon Disband ; he comes and Cashiers by *April*, 1653. and with his *Lambert* and *Harrison* sends packing that everlasting Parliament. And now here is the result of their principles in a second Plot upon themselves, and a new model of Government; for the former they had abolisht was but the Government of a *few*, an absolute *Oligarchy*, tho' they were pleas'd to call it the *Commonwealth of England*, as if it had been but *Democratical*, when not the tenth part of the People were represented by those Administrators ; but so they had the confidence to call them a *Parliament* too ; but their words had commonly as much sense in *them* as their actions had *Loyalty*. But *Oliver* having Plotted *them* out of all, had now no great need of any Politick Plot for himself : It would puzzle now our Politicians to tell me where at this time was their * *Supream original power of the People, their natural Liberty*, and that *Delegatory right* they are to communicate to Representatives :
 There

* *Sidney's Tryal*,
 p 23.

There was no King, no Parliament, no Rump, and as yet no Protector : The Disciples of Mr. *Sidney's* Doctrine must say, forsooth, The *Supream Power* was then in the People ; (but as the Devil would have it) *Cromwel* had got the *supream strength* : *Strength* and *power* I confess, are mighty different , and just distinguish'd by the same Metaphysics the *Scots* put upon the King at *Newark*, when they would persuade him, The Army was one thing, and the Soldiers of it another ; but if this *People* had then the *supream power*, why did they not assemble themselves into a Parliament, since there was no Writ from above to call them to the Assembly ? But our History tells us, *Oliver* call'd it, and what for ? why say our *Republicans*, *That the People might confer upon him their supream original Power, which he could not assume without their consent* ; very good : So *Cromwel* was willing this *supream power* should be settl'd upon him by Parliament ; therefore he calls the Parliament ; *i. e.* gives it the *supream power*, & they in common Civility could not avoid to give it him again : But where would

but a grain of sense settle this Supremacy, in him that *call'd* them to *assemble*, or in those that were *assembl'd* at his *call*; I confess, if the cunning Canary Birds could but contrive, as once they did design, such a rare Parliament, that like the Bird of *Asia*, should rise from the ashes of it's Ancestors, we might have one *then*, not only *long*, but *everlasting*.

But even this, tho' *then*, attempted to have been enacted, would have been but Nonsense and absurd, and sit only to have past in that Parliament which he *call'd*; who made many

* Laws just as ridiculous, for those that have a power to dissolve themselves, by the same reason would have a power to summon another, and then must issue out their Writs either before their dissolution, or after; if *after*, then it is without authority, and by no part of the Government; and if *before*, then a *new* one must be summoning before the *old* is dissolv'd; and if the Writs should be but of force from the time of *dissolution*, the Country Electors must be said to be *conven'd* by the supream Authority that is *dissolv'd*.

* Oliver's first Parliament made the silly Acts about Marriages.

Cromwel and his Conspirators foresaw they would be confounded with such absurdities, and they found themselves plung'd into as much confusion; and then, pray, what did they do with this *Sidney's* *supream original power* that they did not know what to make of, or how to use, tho' it lay upon their hands? why, they surrender it to a single person, from whom they thought they had it, and so the Usurper had his design.

The next Plot was, how they could play the *Knaves* to get that Power again, which they thought they had parted with like *Fools*: *Cromwel* was cunning enough to hold what he had gotten, and never parted with it but with his Breath; tho' the *Levellers*, the *Anabaptists* and *Fifth-Monarchy Men* conspir'd for Insurrections, and *Lambert* himself left little undone to supplant him. But when his Son succeeded, whose silliness only made him not sit so long a Usurper, they soon found opportunity to set him aside: As they had pleas'd *Oliver* with making him a * *Mock King*, so he to pleasure them had mock'd them with an † House of Lords:

* Prote-
stor.

† The
other
House.

Lords : And *Richard's* first Parliament, being made up of most Commonwealthsmen, fall foul upon that new Constitution which was indeed as filthy, they take themselves, without the Protector and *that* other House, to be the Supream Power : *Lambert* and *Fleetwood* that first upon the Principles of these Rebels and Republicans had promoted the Affairs of the Father, fall now to Plotting upon the same grounds of LIBERTY (which with *Democraticks* is to do what they list) to depose his Son ; and 'tis no wonder that those should fail in their Faith to a Rebel, that had revolted from their Prince : For this therefore they have frequent Meetings at *Wallingford* House, and the *Parliament* seeming as uneasie under him as *they*, and *they* as uneasie under the *Parliament*, they send *Desborough* to get its dissolution to be signed by the Protector ; at the same time they make their Messenger to dissolve it by themselves. *Richard* signs it, and presently after is forc'd to his own Resignation, and that to just no Body ; and *all* is brought to what *all*

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such Principles and Practises always tend to, perfect Anarchy and Confusion: The Protector here quarrels with the Parliament and the Army, the Parliament with the Army and Protector, the Army with the Protector and Parliament; till at last they leave us neither Parliament, Protector, or Army.

When they had brought the Government to be just *nowhere*, Richard having been *Plotted* upon to resign to just *no Body*, some of the rebel *Rump*, with *Lenthal* their Speaker, *Lambert* their Officer take it up as Scavengers do a piece of Silver they find in the kennel, or dropt in the street; these by the Army are declared a *Parliament*, because they resolv'd themselves to be so *first*, and the People at present could not tell where to find out *another*; the secluded Members offer'd to run in too, but were *Fools* for their pains, and repuls'd with as much violence; for they might well have foreseen and imagin'd, that those that threw them out before, had their *Swords* in their hands still, and to be sure were much rather for their room than their company

pany ; and that they found, when they set their Souldiers with their Swords drawn to keep them *out*, and their most *Legislative Arms* soon suspended them from the meddling in the making of *Laws*.

Thus re-instated and establisht into that *Oligarchical Tyranny* that first turn'd off all Monarchy, and took off the King's Head, and this re-establishment of the most desperate Rebels confirmed with the approbation of the Army ; one would have thought their very Master, the Devil, could never have undermin'd or made them again to miscarry. But yet so it happen'd ; for these Principles of our *Republicans*, having made all obedience meerly precarious, and utterly defac'd the Doctrine of the *Gospel*, to be *subject for Conscience sake*, as well as repeal'd the Oaths of Allegiance that required them to be so by *Law* : Why now, they were left at liberty, and truly did as licentiously practise ; the *subverting* any frame themselves had establisht, and that too, before they had consider'd what to set up. I won't insist for it here, upon the Infurrection of the *Che-*

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shire

shire men, and the business of *Booth*, which by my little light of reason, and the not unlikely Remarks to be made from the least History I have read, was really a design to supplant this restored *Rump* : Headed by one of the most eminent of the *secluded* Members, that probably in meer revenge resolved upon a *Free Parliament* ; that is, because they had not the *Freedom* to sit with them that *secluded* them : But that Plot which gave them the *lift* again now, was that of *Lambert* himself that had *lifted* them into the Saddle ; where himself design'd they were not to sit long : For *Oliver*, having taught him the way to a *Protectorate*, as well as ('tis thought) promised him in it a *Succession*, was resolv'd to leave nothing unessay'd to settle himself in that power, to which he once thought he should otherwise *succeed* : and being Commission'd by these Masters he had made, and sent to suppress this *Presbyterian* Insurrection, which he did with success ; he found it too the most seasonable time to carry on his design, and so carresses his Soldiers into a *Se- ditious Tumultuous Petition for a General*

neral to be set over the Army out of the Soldiers themselves, for *these Swords-Men* could not relish that the Gown, the Speaker, a *Lenthal* (that then lookt like the *Generalissimo*) should Lord it over *Arms*, that is in *English*, be above their *Lambert*. The Men of *Westminster* made a shift to keep up so much Courage as to make this Remonstrance dangerous to the Commonwealth, and Vote the Commissions of the *Wallingford* Men to be void: But *Lambert*, that had shuff'd so well, and packt his Cards with *Oliver*, knew how to play them now as well for himself; and therefore as * *Cromwel* had turn'd them out ^{*Hist. Indep. Pt. 4. p. 66, 67.} of the House before, he comes and keeps them from getting in, inso- ^{Ann. Dom. 1653.} much that when *Lenthal* came to the *Palace Yard*, he could see nothing but *Lambert* and his Soldiers set to keep them out; and so the *Rumpers* retreat again, are put out of possession of all, *Lambert* left an absolute *Generalissimo*, ^{† An. Dom. 1659. Oct. 26. Hist. Indep. Pt. 4. p. 68.} sets up his † Committee of safety, in which to be sure himself must sit as President.

In the next place they fell a *Plotting* to get themselves *in*, that had been so often at *in* and *out* ; and for this they put up Petitions for a *free* Parliament from all Parts : *Haslerig* runs down to *Portsmouth*, which Revolts, and those that were sent to reduce it turn *Renegadoes* ; *Lawson* and his Fellows in the Navy declare against the Committee ; *Fairfax* favours the *Rump*, and raises Forces, and they fell secretly to the Listing of Soldiers in *Cornwal* and the Western Counties ; and 'twas time then for this Council of *Safety* to look to *save* themselves : but nothing frightened them more into the re-admission of the *Rump*, but the irresistible march of the mighty *Monk* ; that *Fabius* of our Isle, that like the *Roman Cunctator*, restor'd us our King by his *prudential delays*, for these *Rumpers* once return'd again *into* the House, were far enough from declaring for a *free Parliament*, which they still clamour'd for so much when they were shut *out* : Nay, they would not so much as suffer the *secluded* to sit among them now neither, till the good General came and settl'd them himself

self ; and now, tho' all the Villains were *in* again that had begun the War, unless such as dy'd in the Rebellion ; tho' they saw all the sad effects and confusions they had brought upon the Kingdom ; yet so far were the Rebels from remorse, that they justify by * Vote the War with his Majesty, and past two more out of a perfect Plot and * Baker's Design to keep the *Royalist* from being Chron. returned *in* the Parliament, *that* was p. 694. to ensue their Dissolution ; but *Dissolv'd* they were, and that in effect by the good General ; and their Plotting Votes against the *Royalist* and the *Restoration* prov'd as illusory and vain.

Thus the Principles and Positions of these discontented *Democraticks*, and implacable *Republicans*, made them still uneasie under those very Establishments they set up, confounded them so, that they did not know how to please themselves, but still kept *Plotting* one anothers Ruin and Destruction. The King was by miracle restored, whom Heavens by its repeated Providence had preserv'd ; and one would have thought such a signal signification of the

the concern *God* himself had for so good a Government, should have made even the *Devil* himself despair to undermine it, when founded even by a *divine* fate; and to destroy the Monarchy, look'd like a Design to circumvent the Almighty. But no sooner was our Sovereign Seated *in* his Throne, but they Plot again to pull him *out*.

And the first was that of *Venner* and his *Fift-Monarchy* Men; their Leader a silly Cooper that had liv'd sometime in *New-England*, but come home, set up a *Conventicle* in *Coleman* street, and made their consult of Conspiracy in the very place they came to pay their Devotions, endeavouring to reconcile as near as they could their very *Religion* to be *Rebellion*.

1660.

On Sunday the sixth of *January*, the day before they design'd their excursion (as if the Sabbath were to sanctifie Sacriledge, and atone for Blood) they linger'd it out a little too late in their Assembly; so that their Landlord, a little Jealous, listning at the door, perceives through the chink that this *Godly* Convention were doing the very work of the *Devil*; and instead of their

their Sighs, Groans and Tears, and such harmless spiritual warfare; their Sword of the *spirit* was turn'd all into *steel*, and all Arming themselves with Back, Breast and Head-piece, of which he gives notice to some Officers; but they in a little while after issuing out, march through several parts of the City, kill'd some of the Watch, repell'd a Party of the Trainbands, and so march't through *Aldersgate* to a place nere the City, call'd *Cane Wood*. But on the *Wednesday* morning after they return to renew their Rebellious design; they divided themselves into Parties, and about *Leaden-Hall* fought it out obstinately, and too stoutly with the *Trainbands*: But some of the Guards, Commanded then by the Duke of *Tork* (and now our present Sovereign, whom Heaven protect to defeat all Rebellions) with the General and his more disciplin'd Soldiers soon made them give ground and retreat, and at last run away in as much confusion. Colonel *Corbet* routs another Party of them about *Wood-street*; and such inveterate Villains had the Preaching these Principles
rendred

render'd them ; that when they were broken and dispers'd, they would refuse Quarter ; sixteen or seventeen being taken, were at the *Old Bailey* Try'd, Convicted, Sentenc'd, five or six Pardon'd, and the rest Executed.

1662.

In *December* was detected another Plot and Conspiracy carrying on : One *William Hill*, one of the Accomplices, or a pretender to be so, discovers it. A Plot they had of confounding the Rogues (as they call'd it) at *Whitehall*, imparted to him by one *Baker*, one of *Oliver's* Yeomen of the Guard, upon presumption that he would side with them, who brings him acquainted with the rest of the Conspirators ; their Design was with four or five hundred Men to surprize the Castle of *Windsor* : *Riggs*, one of the Conspirators told him of the Arms lodg'd in *Crutchet Friers*, that five hundred had been dispers'd, that they design'd a desperate assault on *Whitehall* to deliver them from the Tyranny of that *Outlandish Dog*, for so they call'd the King : That *Ludlow* was to be their General ; that all other Officers were agreed on ; that the Tower was

to

Vol. VII.
Hill. Narrative
prefix to
their Try-
al.

to be betrayed to them ; Letters dispersed to amuse the People with a *Massacre* from the *Papists*, one of which, on the Tryal of the Conspirators, was produced in the Court ; they told him they determin'd to rid themselves of King, Queen, Dukes, Bishops, all should go one way (as they call'd it) and the Insurrection was to be on the Lord Mayor's Night : Upon this Discovery one *Tongue* and five more were Arraigned, of which one *Phillips*, and *Hind* confest the Fact on their knees at the Bar, were pardoned, the other four Convicted, Condemned and Executed.

In *March*, 1663, a Plot was Discovered in the North of *England* ; the principal Contrivers of it being imparted to the King, were secured from proceeding further. And in 1666, when the King returned from *Windsor* to *Oxford* (the Pestilence being abated, tho' the Plague & product of their Pestilential principles remained as raging.) Another Conspiracy of discontented Officers is detected, for Conspiring the Death of the King, Plotting the surprisal of the Tower, Firing the City :
They

They had two Councils sitting, one in *London*, to issue out all Orders upon the place; and another in *Holland*, that assisted them with Instructions; the third of *September* was sworn to be the day of Design, for which eight several Persons were Sentenc'd, and suffer'd Death. In the same Year the Rebellion broke out in *Scotland* at *Pentland Hills*, where the Covenanters fought the King's Forces, and were defeated.

In 1675. the late Lord *Shaftsbury*, a Person eminent even in the late Com-bustions, and the Civil War; a person that was but just before preferr'd by his Prince, notwithstanding the many Services he did to the Rebels, and an actual being in Arms for the Parliament: But he thinking himself too little oblig'd by the Crown, that had never deserv'd the least obligation, Plots for the Dissolution of that Parliament, that as it had settl'd, so preserv'd the very frame of the Government from being dissolv'd; and because he could not compass it from the King, contrives that it should pass currant, that it was Dissolv'd of course, because
Prorogu'd

Prorogu'd for fifteen Monhs, contrary to the Acts of King *Ed. the Third*, that required one to assemble, once at least in twelve: The Duke of *Bucks* is made to move it in the House, seconded by *Shaftsbury*, *Salesbury* and *Wharton*, and for that all four sent to the Tower; but however had dispers'd the Design so far, that the Stalls were all cover'd with Papers and Pamphlets to prove them Dissolv'd, which had it been then effected, had only reduc'd us to those Confusions that the unhappy Dissolution in four years after did unfortunately bring about.

In *March, 1679.* the same *Incendiary*, the *Beautefen* of both Kingdoms, contrives a most silly, canting, ridiculous Speech, and said to be spoken by *Shaftsbury* in the *House of Lords*; the * substance of it being a declaiming against the Sufferings of *Scotland*; many Copies of which were as Seditiously sent thither, & so animated and incensed the zealous *Scots*, that they soon after set up on the Bishop of *St. Andrews*, barbarously Murder'd him; and our Seditious Senate, the *Lower House*, seconding that Lord's Speech with a Remonstrance

* *vid.* The whole, in an impartial Account of the Proceedings in the Parliament at London, 1679.

france against *Lauderdale*, they soon resolv'd for open Rebellion; and that they begin at *Ragland* in *Scotland*, where they come and Proclaim the Covenant, burn Acts of Parliament, attack'd *Glasgow*; but the result of that was, that by *Bothwel* Bridge the Rebels were defeated, all running away upon the playing of the King's Cannon in a perfect Rout and Confusion.

March,
1681.

At the Sitting of the late Parliament at *Oxford*, there was some intimation given the King of a Plot and Design to have seiz'd his late Majesty, and kept him confin'd, till by that he had been made compliant to pass the Bill of *Exclusion*; his Majesty was so far satisfied of it, that he Dissolv'd them as suddenly; and so frustrated the Design. This was proved after ward upon Oath, at a special Commission of Oyer and Terminer at the Tryal of * *Stephen Colledg* the Joyner, at *Oxford*, who was sworn to have imparted it to the Evidence, and that he rid down for that purpose thither Arm'd; for which and several other Treasonable contrivances he was Arraign'd, upon full Evidence Convicted, Condemned, and accordingly there suffer'd. That

* *vid. Coll.*
Tryal,
pt. 9.

That Plot being prevented at Oxford by the Providence of God and the Kings; the Faction still pursu'd the Conspiracy, for which many Consults were held at the late Lord *Shaftsbury's* House; which upon suspicion was searcht, and himself, upon Information and Evidence to the King and Council, was seiz'd; the result of which was, they found a Paper in his own Closet, Intituled, An *† Association*, the Plot and Design of which was, that since they could not Exclude the next Heir of the Crown by *Bill* and an *Act of Parliament*, they would get *Subscriptions*, to do it among *themselves*; that is, set their Hands and Seals to a Rebellion; for the concluding Clause was absolute Treason, and oblig'd them to Swear Obedience to their Fellow-Subjects, and that they would Obey the Major part of Members after the dissolution of the Parliament; for this he was Indicted, as also for designing to compel the King to pass the Bill at Oxford; for conferring with *Booth, Hains, Smith*, and other of the Evidences, in Treasonable Consults; for saying, *The King ought to be Deposed*, and, *that he would never*

† Vid. Proceedings at the Old Bailey. 24. Novem. 1681.

C c c

desist

The Triumph of

desist, till he had brought England to a Common-wealth : All agreeable to the very Principles he profess'd, to the Practices and Designs he had before engag'd in, and the Discoveries of his Treasons that have follow'd since ; but the Grand Inquest being pack'd by Papillon a Partial Sheriff, and compos'd of Jurors as much prejudic'd, the Bill of Indictment was brought in Ignoramus ; an apparent Rebel acquitted, and carried off in Triumph with the Shouts and Shoulders of the Rabble.

*In July, 1683. was Discover'd the bottom of all these Preliminary Plots and Conspiracies, in the Design of the most barbarous Butchery of the best of Kings, our late Sovereign, Charles the Second, with the Assassination of his Royal Brother, our present Sovereign : For this they had engag'd in the Consults, Men of all sorts of Conditions, Lords, Knights, Gentlemen, Lawyers, Malsters, Oylmen, Clergy and Lay ; the first Contrivance was, for Assassinating the Royal Brothers as they pass'd by the Rye, the House of one Rumbald, coming from New-Market : but
Heaven*

Heaven turn'd a Judgment even into an act of Mercy for their Deliverance; and the *Fire* hapning there, made them prevent the Rebels in their return. Then the *Play-House* was propos'd to be the Shambles for this Butchery, and several other places, but the Conspirators disagreeing in their Approbation, hinder'd its execution so soon; upon the Discovery of one *Keeling*, an Accomplice, touch'd with remorse, or apprehension of danger: All the Conspirators fly, from whom *Shaftsbury*, that *Arch-Rebel*, was before fled; some were afterward found out, came in for Evidence, upon which several were afterward Convicted and Executed.

*Vid. Lord
Russel's
Tryal, Sid-
neys, &c.*

At the *Trial* of my Lord *Russel*, the very Morning he was Arraigned, the Earl of *Essex*, Committed for the same Conspiracy, whether out of sense of Ingratitude to his *Royal Sovereign*, by whom he had been preferr'd to the highest station of a Subject, even that of being his *Vice-Roy*, or whether out of fear of his fate, and fearful of an *Ax*, dispatcht himself with a *Razor*: For Defaming of the Government the next

Plot is to make this a Murther of State, and one *Braddon*, out of Seditious industry, deals with one *Edwards* a School-Boy to Testify, he saw a Hand throw a Razor out of the Window; with this matter well manag'd, King, and Council, Sir *Henry Capel*, and then the whole Kingdom must be canvast for; and he having an Indefatigable Desire to fasten a Scandal on the Government, as well as an Impudence *not* to be baffl'd or defeated, to solícite the business farther, one gets *Speke*, a known Favourer of any thing that is Factious, a *warm* spark that would be soon *hot* in any such pursuit, to lend him a Letter of Recommendation to a Country Knight, but with both their *bold* fronts, they could put no such *bad* face upon the business: for it was Discover'd to be the basest Design the most malicious Miscreants could undertake, and they both Try'd upon an Information of High Misdemeanor, and Subornation, (that is) the *Pimps* to *Perjury*, for which one was Fin'd one thousand pounds, and the other two.

Feb. 7,
1683.

Decemb.
1684.

To second this Unsuccesful *Plot*, about *Christmas* last they disperse the most Divilish and Malitious Libel that
Falshood

Falshood and Folly could Invent, leave it at the doors of the *Loyalists*; and its Design the same with those Suborners, to fasten a Murder upon the late King, our present one, and some Ministers of State, with such silly Insinuations, as of themselves do defend them from that Villany they would affix; first, from *their being then walking in the Tower*; and can the most Factious Fool Imagine? Can but bare Humane Sense be so silly, as to think the Contrivers of such a suppos'd Barbarity would be present at its Execution, and look upon it as the likeliest way to keep it *private*, was to appear in it *publickly*? Preposterous Sots! Do not contradict the best *Evidence*, that of *Common sense*, tho' you would the *Coroners*: Another is, from *the Discovery of one Haly, that was found Murther'd, to be the Warder, in whose House the late Lord of Essex lay, upon which the Libeller in a long, tedious, impertinent Discourse, Insinuates the probability of that Fellow's being dispatch'd, for fear of telling Tales*; but how does Heaven infatuate those Fools that it would destroy? The falsify'd per-

Ccc 3

jur'd

perjur'd Wretch is forc'd to beg the World Pardon, in his own *Postscript*, and to tell us the *truth*, in spite of his design to *lye*; that this Unfortunate Fellow that was found Dead, was none of this *Warder* that he meant, and that only the *similitude* of the *Name* made the *mistake*, then from the disagreeableness of *Bomeny's* Testimony with the other *Informant*, because not *verbatim* he says the same, therefore they must be both *false*: Seditious Sot! Why so senseless too? Will not Common reason for that very thing, confirm them both to be the more *truth*, for when there is a Conspiracy, to make *Affidavit* of a *lye*; there they can soon confer, and commonly do too agree in *words* as well as *substance*, and sense might well suggest, they had learn'd their Lessons pretty perfect, upon such a *verbal* Agreement: But this Masterpiece of most Malicious *Plot*, was with more sublimated Malice, contracted into a *Compendium*, only that it might be propagated the sooner, spread the farther when in *short*, of which Condensed or Abstracted Treason, the Spirit and Essence of Sediti-
on,

on, one *Danvers* was Discovered to be the Author ; a Villain, whom the Devil in Design, could not render more vile, an *Anabaptist* for Profession, an Officer of *Olivers*, for Rebellion, and now a Fugitive, for fear of Apprehension ; for whom a Warrant was issued out, Posted, publisht in the *Gazette*, and an Hundred pounds proffer'd for any to take him.

As these late Plots and Conspiracies were contriving all along in *England*, so did the *Scots* carry on the same Treason : *Argyle*, an Hereditary Rebel, that seem'd to have his Soul and Treason from *Ex traduce*, being attainted by the Law of their Land, for a Factious Explanation of the *Test*, and tho' Justly Sentenc'd to Suffer, yet the Government that had given him his *Estate*, had no design upon his *Life* ; makes his Escape out of Prison, in which in effect he enjoy'd his *Liberty* before, gets over into *Holland*, confers with our *English* Fugitives , then sends Letters from thence to the *Scots*, to incite them to Rebel, some of which were Intercepted upon Major *Holms*, and known to be his own Hand, *Spence* and *Castares*, his

own *Emissaries* Confessing the Correspondence they had with their Rebel Friends in *England*; and the *Cochrans*, *Melvil*, *Baily*, are found to have been here in *England*, and Agitating the Conspiracy, for which, upon full Evidence, the said *Robert Baily* was * Convicted, had his Arms Expung'd, himself Hang'd, and his Body Quarterd.

* Decemb.
24, 1684.
vid. Discoveries in
Scotland,
Printed

by his late Majesties Command; as also, the Account come out in this King's Reign, by Order of the late, Printed by Authority.

But notwithstanding all this Evidence, as clear as the Sun, and all their deeds of *Hellish darkness* brought into as much *light*, as the Lamp of *Heaven* it self affords: Their infatuated Fools were still so much *blinded* and *besotted*, as to represent it all for a *Plot* of the *State*, only for involving some of them in a Conspiracy; and the *King* must be presum'd to *design* upon himself, only to trepan them into Treasonable *Designs*: For this, several Letters are dispers'd into the Country, some of which being Intercepted, were found to be one Sir *Samuel Bernadiston's*, a wealthy Citizen, whose Estate, with a *great* deal

deal of Money, and as *little Wit*, serv'd only to make him *more* wickedly, and *less* wisely Seditious ; for nothing but the pride of a Purse, or the not valuing of a Fine, could have made a Man guilty of so much Folly, at a Season when they were in an *hot* pursuit of an Hellish Conspiracy, and the Blood of those that had suffer'd for it, hardly *cold* : For he lets them know that the *Protestant Plot* is confounded, quite lost, that the Evidence of it, the Lord *Howard* was to be sent to the Tower, and that all the Prisoners that lay there for the same, were discharged ; that *Sidney* that Suffer'd for it, was Pardon'd ; that *Braddon* that was Fin'd for it, was no farther Prosecuted ; all rank Lyes, as well as lewdly Seditious : And though his kind Council was pleas'd to mitigate the Information, as if the *Malice* was not so apparent ; that will not mince the matter ; for tho' the circumstances, and the plain matter of Fact, make it the most malicious piece of Faction Imaginable, yet moreover, the very mass of his Blood was tainted with as much malice, and his very Relations actual Rebels,

and

vid. His
Tryal for
High Mis-
demeanor,
at Guild-
Hall, Lon-
don, Feb.
14. 1681.

and in Arms against their Sovereign ; our Sir *Thomas Bernadiston* being a Colonel of a Foot Regiment of Rebels, at the Siege of *Colchester*, which I can make appear from an old Map of the Siege, where he may see his Father or his Brother, Firing upon his Majesties Subjects. But these Factious Papers being prov'd upon him from his own Hand, and the Testimony of his Servant that Superfcrib'd them ; they found him Guilty without going from the *Bar*, for which, in the *King's Bench*, he was afterward Fin'd Ten thousand Pounds to the King, Bound to be of the Good Behaviour during Life, and to be Committed till 'twas paid.

April 14,
1684.

But after all, as if they did endeavour to silence their own Advocates in their Defence, and that Impudence it self might not endeavour to smother their *secret Conspiracies*, they break out into that *open Rebellion*, for which they had *Conspired*, and Invade the Kingdom, as if they design'd only to prove the *Plot* : For in *April, 1685*. *Argyle* lands, with Men and Amunition brought from *Holland*; in one of the South-West Isles of *Scotland*, call'd
Tyle,

Tyle, or *Ila*, and their seize all the Arms, Horses, Men, and other Necessaries to make up an Army, some of his *Heretors* come in for Assistance, with some few of his *Dependants* and *Relations*, of which of the most note, were his Sons, and one *Achinbreck*, of which Name there is a Castle or Town near those Isles: For a Month or two they kept Sailing about *Boot*, *Cantire*, and the rest of the Islands thereabouts, sometime landing, then setting out again: But about the nineteenth of *June*, the Lord *Dunbarton* having notice that the Rebels had past the River *Levin*, above *Dumbarton* Town, and taking their way towards *Sterling*, overtook them in the Parish of *Killerne*, but being late in the Evening, did not Attack them; but by the Morning, the Rebels were march'd off toward the River *Clyde*, which on the seventeenth they past, but pursu'd by the King's Forces, and *Cochran* carrying them by mistake into a Bogg, they soon disorder'd and dispers'd: The late *Argyle* was set upon in his flight towards the *Clyde*, by two of *Greynock's* Servants, receiving a Wound on his Head, dismounted his Horse,

Horse, and ran into the Water, where a Countryman fell'd him, so the Soldiers carried him to their Commander, from thence to *Glasgow*, and then to *Edinburgh*: Among these Rebels, were several of the blackest Conspirators of *England*, that were fled for the same, *Rumbold* himself, the Master at the *Rye*, by whose House his late Majesty was to be Murder'd; as also one Captain *Ayloff*, mention'd in the King's *Declaration*, were both there taken; *Rumbold* fought desperately, and *Ayloff* so despair'd, that he ript up his Belly. *Rumbold* was afterward Arraigned for Invading the Kingdom with the rest of the Rebels, had Sentence as in Cases of High-Treason, and was accordingly

(a) *Jun. 29.* (a) Hang'd and Quarter'd; and the next day the late Lord *Argyle*, their (b) *Jun. 30.* *Arch-Traytor*, (b) Beheaded.

And now that their Plot might be prov'd as plain in *England* too: About the beginning of *June*, *Monmouth* landed at *Lime* in *Dorsetshire*, of which he possess'd himself, having with him three Ships, brought into Town about two hundred Men; some of the Seditious Souls, and as silly, of the Country,

try, ran in to his Assistance ; upon falling of the Tide (as tis thought) they made an Excursion upon the Sands, to the Town of *Bridport*, which they enter'd by the Back-side, and surpris'd in it, Mr. *Wadham Strangways*, one Mr. *Coker*, and Mr. *Harvey*, Officers for the King, the two former they kill'd, wounded the latter, seiz'd some Horses, and went back to their Quarters at *Lime*, where while they lay there, a Party of the King's met some of the Rebels, had a Ran-counter, kill'd about twenty three, and made them retire : From thence they march toward *Taunton*, seizing all the Horses they could meet with ; no Gentleman of Note came in to their Assistance ; *Trenchard*, being clapt in the Tower for a Traytor in the Conspiracy, but escap't Hanging for want of an Evidence more, which the *Law* required, is said to have run into the Rebels, having ran from the King's Messenger before, & if so, proves his Treasonable part in the *Plot*, which none of his Party would believe, by turning an absolute *Arm'd* Rebel. About the twentieth of *June*, Captain *Trevanion*, Commander of
some

some of his Majesties Ships, found a *Dogger* and a *Pink* of the Rebels Ships lying at the *Cob of Lime*, forty Barrels of Powder, Back, Breast and Head-Pieces for ten thousand Men in the Town, which were all secur'd, and his Grace the Duke of *Albemarle* sent into it three Companies: The Rebels rambld about *Glassenbury*, in *Somerset*, and some part of *Wiltshire*, Plundering, and taking all the Horse they could, and calling in as many Foot: And both these *Invaders*, to publish themselves Rebels in *Print*, as well as *Arms*, put out their *Declarations*, of their King's being an *Usurper*, and a *Tyrant*; that had Succeeded to the *Crown*, by all the *Laws* of God as well as *Man*: One *William Disney*, Esq; was taken with his *Wench* in his *Bed*, and *Monmouth's* *Declarations* Printing in his *House*; Try'd for the *Treason* in *Southwark*, upon full Evidence found *Guilty*, Sentenc'd, and accordingly * Executed. And the † *Parliament* it self, by special Act, Attaint *James Scot* for a *Rebel*, and a *Traitor*, set Five thousand Pounds upon his Head, and by another *Bill*, make the Asserting the *Plot*,

* June, 29.

1685.

† June, 25.

1685.

Plot of his *Legitimacy*, High Treason :
 The Rebels for some time continued
 forraging and rambling about the
 Western Counties, *Wilts*, and *Somerset* :
 At *Wells* they say they Plunderd and de-
 fac't the Church, that had escap'd the
 Fury, even of the last Rebellion ; out
 of the Sacred *Chalice* they Drank the
prophanest Healths, and upon its very
Altar sacrific'd Women to their Lust ;
 but This being but Report, I don't re-
 ly on. From *Wells* they went to *Bridg-*
water, there Fortifying themselves a lit-
 tle ; but finding the L. *Feverſham* come
 up to them, & more Forces of the King's
 following, they resolv'd to surprize
 him in his Camp ; march'd according-
 ly in the Night, and by two or three
 in the (a) Morning ſet upon him, whom (a) July 6.
 yet they found ready to receive them,
 the late L. *Grey*, Commanding their ill
 manag'd Horſe, was ſoon diſorder'd,
 and ran away ; the Foot fought it deſ-
 perately, but at laſt defeated by the
 King's Cannon and Horſe, were ſlain
 about two thouſand. The late Lord
Grey was (b) taken in Diſguiſe at *Ring-* (b) July 7.
wood about the Borders of *Dorſetſhire*,
 and ſecured by my Lord *Lumley* ; and
 the

the late Duke of *Monmouth*, the next Morning met with in some Covert thereabouts, and put into the same

- (a) *July 13.* Hands : *Monmouth* on the (a) *Munday* after, with his Associate *Grey*, was brought to the *Tower*, and the former
 (b) *July 15.* the following (b) *Wednesday*, on the *Hill* Beheaded.

By this you have seen the very *Basis*, the Foundations upon which they build their *Principles*, somewhat shaken, and I wish I could with modesty say, utterly undermin'd : I have set my Shoulders to the work, and had I the strength of some *Sampson*, would pull down their Pillars , confound the *Babel* these Rebels have built, tho' I were sure to fall and be buried in its Ruines. By this you have seen the Multiplicity of their *Plots*, so *Hellish*, and so many, that like the *Devil* (that Seduces our *Democraticks* into such *Damnable* Designs) their Name is *Legion*; but of those Devices the Almighty, who always was, will ever be the Detector and Confounder : And here I profess by that *Heaven* (which I only beg to Bless my poor Endeavour against the Designs of *Hell*) that nothing but a sincere

sincere hatred of their pernicious *Principles*, and a certain Assurance of the truth of *all* these *Conspiracies* they have promoted, has put me upon this undertaking, to refute the Folly and Falshood of the *one*, as well as represent that Bloody work & Wickedness of the *other*. If they'll condemn the *warmness* of my style, which (a) *one* has (a) Post-cript to the History of the Association, Printed for J. and W. T. London. already Libell'd as *hot*, let them but give me leave to be as zealous for the promoting of *good* Principles, as the vilest of their Villains, the most venomous of their Vipers have been, for infecting us with the poyson of *bad*: Let me be allow'd to write as *affectionately* for my Sovereign, while he is Seated in his Throne, as their *Faction* did most *furiously* against him, when by Rebellion they had pull'd him *out*; and for this, be pleas'd but to remark a little matter of Fact: For the first, Has not *Hunt* (whom even they would make a moderate Man) Libell'd his *Antagonists* with the Name of (b) *Base* Cai- (b) Post-cript to the History of the Association, Printed for J. and W. T. London. *tiffs*, *Traytors*, *Knave*s, *Betrayers* of *P. 94, 69, 70, 83, 93.* *the Peoples Right*, *Wicked*, *Impious*, *Sacrilegious*, *Monsters*, and *Mad*? Does
D d d not

King's Court : Is not *this Virulency*
now ? this Venome ? and that of such
 a Villanous Viper , to whom the Old
 Serpent, the *Devil* himself would be
 an *Antidote* ? and all this even against
God's Vicegerent ? Is not the dust of
 such a Damnable *Democratick*, enough
 to pollute the Land wherein it lies ?
 and of which the Grave will be
 asham'd when she comes to give
 up her Dead ; These are the Barbari-
 ties, *Hunt* would not have so much
 (a) *remember'd*, that is, not *abhor'd*, (a) *Fest.*
 and which I cannot forbear to mention P. 89.
 and remind, to let the *present* Age
 see, to what an *Acme* of Villany the
preceding was arriv'd, to let the Fa-
 ction be *forc'd* to *remember*, what they
 so *labour* to *forget* ; for what they
 can so *hardly* be brought to *detest*, is
 also as *difficult* by repetition, to be ren-
 der'd too *detestable* : These Printed
 Treasons, that have been so long *out*
 of the Press, may well want a New
Imprimatur, when they are brought
 to believe they were never *in* it : To
 this pass of the *Politicus's* would our
Protestants, Domesticks, Packets, Advices,

Courantiers, Janeway's, Care's, Vile's and Curtise's, all have come, and a Nevil now, that abhors the thoughts of a
 (a) *Plato Redivivus,* *COMMON-WEALTH, as (a) Circumstances are now, would be their Needham (I warrant you) when a Civil War had Banisht again the best of Kings , and one that writ his Brief History of Succession, not long since, only to make our Monarchs Elective, would then have told us, that (b) All from the Conquest were perfect Tyrants, that Richard the Second's Blood ought rather to have been spilt on a Publick Scaffold, than by a Private Assassination in Pomfret Castle, and that Charles the First was Executed as a Traytor ; and so given us in just such another Catalogue.*

(b) *vid.*
 History of
 the Succession, writ
 by Merc.
 Politicus,
 Number
 64, 65.

How can our Seditious Souls think themselves hardly dealt with, in those late Loyal *Animadversions* that have been made upon their lewd *Libels* ? or, What severity now has the *Observer* (that Learned piece of Loyalty) exprest in his Pages, which their own *Papers* have not deserv'd, & heretofore, in a barbarous manner, even to the best of Kings and Subjects shewn :
 and

and as they cannot condemn *him*, or any other *honest* Heart, for exposing (in the most severest manner) the Principles and Practises of these dangerous *Democraticks*, since they dealt so severely themselves with their Sovereign, and all Assertors of his *Monarchy*; so neither can such discommend *him*, or any other, for such seasonable Remarks on their *Pretensions* to CONSCIENCE, and as rigorous Reflections on their *Men* of MODERATION: the two tender points (they say) must not be medl'd with, or, at most, but gently touch'd on.

The very Suggestion flies in their Faces, and upbraids the Faction with the same proceedings against one another; for this famous *Political Mercurial* Scribler lets us understand, that

(a) *The Presbyterians pretended Principle of Conscience, is no competent Plea in his behalf, for then this Plea and Pretence might serve to Justifie the late*

(a) *Merc. Politicus, Num. 59. July 24. 1651.*

Tyrant, and all his Cavalry; it might Justifie Ravillac, for Murthering Henry the Fourth, Faux, Catesby, and the rest, for the Powder-Plot; not a

D d d 3

Priest

The Triumph of

Priest or Jesuite but hath the same Pretension, nor shall there be any Traytors in all Ages hereafter: Away with this Clergy Pretence, not to be named once among Christians, but exploded as the very Pest of Civil Society. And I pray mark only the Godly Preacher to the Parliament (a) I have desir'd in my Prayers to GOD, for the opening of Mens Eyes to see, that the same Spirit of CONSCIENCE, which lay in the polluted Bed of PAPACY, meets them in the prophaned Bed of PRESBYTERY; that The highest Godlinesses, and the highest Wickednesses, are those that are most Spiritual; that The Fornications and Sorceries of this Whore are then greatest, when most Mystrious; that She is able to bewitch those that have attained to a great degree of Spirituality: To this purpose, I have represented the same Spirit which dwells in PAPACY, when it enters into the purer Forms of PRESBYTERY, as fuller of Mystery, so fuller of Despight and Danger; so far the good Man, for Conscience Plea: And now, if you please, to tell you their sense of the
TRIM.

(a) Sermon
 Preach'd
 to the
 Parlia-
 ment, No-
 vember 5.
 1651.

TRIMMER and MODERATE Men of their Times, (a) No sort of Men (a) Merc. Politicus, Num. 63. August 21. 1651. can be more dangerous, than those Phlegmatick Souls, of the MODERATE MIDDLE Temper, who, whilst they pretend to be of a Party, are not able to concoct those reasons of State, that are absolutely necessary for its Preservation: Men of this Humour may do well in a Civil War, where the differing Interest may be reduc'd to agree in one third; but when they are stat'd in as vast a contrariety as God and Belial, Light and Darkness, Liberty and Slavery, then those Men are like Sand without Lime, neither good in the Foundation, nor fit for the building of a Republick; such Interests are best preserv'd, when like Mathematical Points, in the Extremity of Latitude, they are placed at the remotest distance, admitting no intermedial mixture of Affections with any things, Persons or Pretences, that may have but the least Collateral Relation to the opposite Party: And then for their MERCY to the Dissenters of those Times, and the matter of UNION. (b) But perhaps, (b) Merc. Politicus, Num. 59.

the sparing of the Traytor, may he a means, to reconcile those of his own Opinion, and bring them to an UNION with the Common-wealth ; Why ? Let them, in the first place , take shame to themselves, by an Acknowledgment of their Offences : Let their Repentance be as loudly , and openly profes'd in the Pulpit, as their former Follies ; and then afterwards, 'tis possible, there may be an UNION, but an UNION, carried on upon any other terms, speaks only some Clerical Design , under a specious outside. And (a) Case, Discourfing about MERCT, to those that had Fought for their King, whom he makes all Unpardonable Murtherers, nay, tho' they had not kill'd a Man ; for fays he, *Though God forgive Sin against himself, yet he commands his Deputies, not to pardon Trespass against the Publick State, as in the case of Murther, for even PREPAR'D and PROJECTED Murther, God makes incapable of Civil Mercy ; for here the Delinquent has kill'd as much as in his power to kill ; it was his purpose, he hath killed, though the Patient be not kill'd,*

(a) Case's
Sermon
before the
Court-
Martial,
London,
1644.

kill'd, and the Design and Intention should Hang him. God deliver us from the Mercy of such *Casuits*, the Government and Rule of such unreasonable Men, that whilst they exclaim against *Idols*, commit *Sacriledg*; while they condemn others for want of *Moderation* in their Censures and Animadversions, Satyrize and Libel even one another most *Immoderately*: These are the hardships in which they think they are most *griev'd*, and yet *those* the very points in which they have shewn themselves the most *rigorous*, and oppress'd better Subjects than themselves, with a greater *grievance*.

This is my sense of *their* Writings, and for the opinion of others, about my *own*, am as little solicitous; I am satisfy'd of my *own* Integrity, and wish I could be as well assur'd of *theirs*; the † Defending of the Right † Statimus quod omnes homines Regni nostri, sint Fratres conjurati ad Monarchiam nostram pro viribus suis defendendam, Lex. Gal. Cong. 59. of the Crown, I am sure, is no more than to what I am *Sworn*, and their *laborious* Drudgery, to detract from the Prerogative is perhaps, but a

Lamb, p. 171.

Learned

Learned Expedient of being more *Elaborately* PER JUR'D. As I ever Loy'd that Royal *Line*, which I always look'd upon to be *unalterable*, and which none now but *Rebels* or *Republicans* will endeavour to Interrupt, so I shall ever as much Revere this NAME and FAMILY of STEWART, in which the truly *Lineal* Descent of our Crown was as intirely *united* and *preserv'd*: A *Name* that will be Sacred to Posterity, as well for the *short* Succession it is too sadly like to leave us in *England*, as well as the *long* Series of Successors, that are to be number'd in the Catalogue of the *Scots*; and 'tis with regret that we are like to reckon of it but two *Royal* Pairs, of JAMES, and CHARLES: A *Name*, that none but a Monster of Mankind would have made (a) *odious* and *accurs'd*, which *mangle* their own *Rebellions* has made our *Islands* *Blest*: And lastly, a *Name* which even *Rebels* might Revere, for so long and lasting a Succession in *Scotland*, and that in *both* Kingdoms,
now

(a) *Merc.*
Politicus,
Number
62, 79.

now there is but *one* left. And for that Impostor, which some poor Souls, as silly, as seditious, would feign have put upon us, and set up: Consider but the sad success two such Presidents and just as pretty Projects, met with in the Reign of *Henry* the Seventh: Consider how unsuccessful this present Attempt prov'd, which terminated in the ruin of all its Undertakers: Consider but the Folly, as well as the Wickedness of such an undertaking, which could it have met with success, must have been but by the Blood of the *present* Age, and an entailment of it to *Posterity*; too dear a purchase, only to make us the Scorn and Derision of the World, Traytors to our *King*, and *Rebels* to our God.

What I've done, has been in satisfaction to my self, without design of Applause; my Duty to my *Sovereign*, without insisting on desert, my *Re-
sentment* against *Rebels*, without fearing of their force, for then I desire to *fall*, when so good a Government cannot

cannot stand ; my Misfortune from them would have been the best of Fate, and my very Foes the most *Friendly* and *Obliging*. I have scarce Breath'd under a *Usurpt* Government yet, and should hardly have been brought to begin now, to be subject to an *Usurpation* : If in these Essays, I have done the least Service to my Sovereign Lord, or his Liege Subjects, I shall look upon it as having answer'd the Ends of my little Studies, both towards God, as well as *Man* ; for there is *seldom* a good Subject that makes a *bad* Christian, and I have always observ'd the greatest *Atheists* among the *Rebellious*. If (whatever *sincerity* I pretend) they'll upbraid me still for that *itch* of Writing, I'll as *sincerely* protest to them, *they* have cur'd me of the *scab*, and thank them too for being my Physicians without a Fee : They *themselves* have superseded all *future* Animadversions of my Pen, by being able to make no *farther* progress in their *VILLANT*, I
truly

truly profess, never *more* to refute
their *bad* **PRINCIPLES**, till
they can find out *worse*, and as
heartily promise, never again to be
their *Plague*, till they can Invent a
more *Hellish* **PLOT**.

F I N I S.
